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SOME REFLECTIONS ON THE EMPLOYMENT ACT *

THE Employment Act of 1946 was originally designed to cope with the problem of minimizing unemployment. However, with the passage of time, it has acquired something of the force of an economic constitution. The President, his Council of Economic Advisers, the Congress, in some degree the entire executive and administrative establishment of the federal government, including the Federal Reserve Board, now function under this "constitution" when major economic policies are developed. Governmental activities in behalf of the national economy, especially when they involve new tools, have always been a matter of interest to our Association. It may therefore be useful on this occasion to take a broad look at the machinery for economic policy-making established by the Employment Act and to reflect on some ways of strengthening this machinery.

I

Let me begin by recalling the early history of the Employment Act. As World War II drew to a close, many public-minded citizens became fearful that the return of peace would bring a return of mass unemployment such as existed during the 1930's. Gradually, the thought emerged that just as unemployment was eliminated during the war, so the resources of government could be used to avoid sizable unemployment under peacetime conditions. To give expression to this thought, Senator James E. Murray in January, 1945

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introduced a bill called "The Full Employment Act of 1945."

In its declaration of policy, the Murray bill stated that "all Americans able to work and seeking work have the right to useful, remunerative, regular, and full-time employment," and that "it is essential that continuing full employment be maintained in the United States." Accordingly, the bill laid down the requirement that the President transmit to the Congress at the beginning of each regular session a "national production and employment budget." This budget was to cover an interval starting six months later and ending not less than eighteen months later.

For this interval in the future the "national budget" was to set forth, first of all, an estimate of the size of the labor force. Next, an estimate of the gross national product corresponding to full employment was to be presented—that is, the dollar value of the output of commodities and services that would "provide employment opportunities" for the entire labor force. A third requirement was an estimate of what the gross national product would be in the absence of new governmental programs or policies. Fourth, in the event that this prospective output fell short of the amount required to assure full employment, the President was to recommend to the Congress measures for stimulating private expenditures. Fifth, if these measures were still deemed insufficient to remove the deficiency in the "national budget," the President was to recommend federal expenditures to close the budgetary gap—in other words, federal spending was to be increased in the amount needed to bring total output to a full-employment level. Finally, in case the "national budget" indicated a prospective output which exceeded the required full-employment output, the President was to recommend to the Congress "a program for preventing inflationary economic dislocations."

This bill and its highly novel national budget aroused a great deal of public discussion. Some men viewed it as a practical mechanism for attending systematically and with forethought to the problem of protecting the nation against the ravages of depression and unemployment. Others, while favorably impressed with the aims of the bill, doubted

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whether economic knowledge had reached sufficient precision to make the law workable. Still others saw the bill as a device for turning America into a regimented, socialistic economy. Such fears were entertained by a large section of the House of Representatives. The House therefore proceeded with a bill that was more to its liking.

Since the bills passed by the Senate and House differed, they went to a Conference Committee which devoted eleven days to hammering out a compromise. The bill that finally emerged made no reference either to full employment or to inflation. It made no reference to a national production and employment budget, or to numerical goals or targets of any kind. It made no reference to any obligation of the federal government to fill a gap between prospective output and a full-employment output. It said nothing about the specific means to be used for stimulating economic activity. It did, however, carry a sweeping and historic declaration of policy—namely, that it is the continuing responsibility of the federal government to foster "conditions under which there will be afforded useful employment opportunities. . . . for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."

Other portions of the Conference bill dealt with procedures. An Economic Report by the President was required, to be presented to the Congress at an early stage of each regular session and to be supplemented, as need might arise, at other times. The purpose of this Report was to review the condition and prospects of the nation's economy, to appraise existing federal activities that bear on production and employment, and to present a program for carrying out the objectives of the proposed law. In performing these duties the President was to be assisted by a new agency, the Council of Economic Advisers. Also, a Committee drawn from both the Senate and the House was to be established to advise the Congress with regard to the recommendations of the Economic Report and to make such additional findings as it might from time to time deem desirable.

This Conference bill, which became law in February, 1946, was hailed by the liberals of the Senate as a victory for their side, just as it was hailed by the conservatives of the

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House as a victory for theirs. Both groups were able to do this because the only way of breaking the deadlock in the Conference was to use language that was general enough to admit of more than one interpretation.

II

Whether because or in spite of its massive ambiguities, the Employment Act has proved a useful framework for the management of our national prosperity. With few and only minor changes, the machinery for economic policy-making laid down by the Act has persisted to the present time. There have been critics who at times have wanted to scrap or drastically alter this machinery, and they came close to doing so early in 1953. But the number of critics or sceptics has diminished with the years, and the Employment Act is now looked upon with favor by nearly every articulate group in our nation.

To be sure, there is still a wide range of opinion about the precise contribution of the Employment Act to our national life, just as there is a range of opinion about the manner in which the Act has been administered by successive Presidents. I believe, however, there is broad agreement that the Act has introduced elements of order and planning in economic policy-making that previously did not exist; that the Act has served to raise the standards that we commonly apply to our nation's economic performance; that the Act has stimulated useful analytical work by economists and fact-finding by statisticians; and that the machinery of the Act has helped high government officials to think about production, employment, consumption, investment, and finances in terms of the operation of the whole economy, not merely this or that of its parts. It will also be generally acknowledged, I think, that the Act has played its part in changing the character of the business cycle—that is, in making its downward phase both shorter and milder, in limiting the incidence of unemployment, and in blunting the effects of recessions on the lives and fortunes of individuals.

These are significant achievements by any reasonable yardstick. And yet I dare say that if the Employment Act were legislated anew, it would have a different emphasis

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from the law that we have. Many Americans are nowadays seriously concerned about the discrepancy between our nation's rate of economic growth and that of Russia, Germany, France, Japan, and other countries. There are many reasons for this concern, not the least being an uneasy feeling that our nation's prestige and even its security may suffer as a consequence of the lagging growth rate. Theories of economic growth have of late been proliferating and clashing. Although little agreement has as yet emerged, one broad principle is beyond question—namely, that a nation's economic growth depends ultimately on how much work people do and how efficiently they do it. Yet the Employment Act nowhere expresses concern about industrial waste or the need for its avoidance. Indeed, you will look in vain among its provisions even for the word "efficiency."

The same applies to inflation. Since 1945, the price level of the commodities and services produced in our country has risen, year after year, virtually without interruption. The index stood at 75 in 1946, at 100 in 1954, at 111 in 1958, and at 117 earlier this year. This persistent rise of the price level has worked hardships on many people, it has distorted the financial accounts of business firms, and it has reduced our nation's ability to sell in foreign markets at a time when a huge export surplus is required to finance military expenditures abroad and the foreign aid programs. Yet you will look in vain in the Employment Act for any reference to the importance of maintaining stability in the general level of prices, or even for any mention of "inflation" or the "price level."

Of late, many Americans have gained fresh awareness of a fact which fortune had permitted us to slight over a long generation, namely, that our nation is not self-sufficient. We are now relearning the lesson that, in order to manage our economic affairs successfully, we must be mindful of the needs and trading policies of other nations, of the size of our gold stocks and the short-term balances that foreign governments and citizens hold here, and of the levels of labor costs, interest rates, and prices in our country relative to those in other nations. Yet you will look in vain in the Employment Act for any mention of the outside world, or of the need to

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conduct economic policies, both domestic and foreign, so as to enable us to discharge the political, economic, and military responsibilities that history has thrust upon us.

The reasons for these reticences of the Employment Act are not far to seek. In 1946 Americans still had vivid memories of the great depression of the 1930's when the unemployment rate, even in a relatively good year like 1937, averaged over fourteen per cent. Many citizens feared that the years ahead would be darkened by depression, while few foresaw that we were on the threshold of a great inflation. In 1946 the extraordinary performance of American industry during the war was so fresh in people's minds that it was natural to take rapid improvements of efficiency for granted. In 1946 the United States alone possessed the atom bomb, much of Russia was a ruin, and we had no clear warning of the territorial, military, and economic expansion of communism that has occurred since then. In 1946 the nations of Western Europe and Japan were near collapse and in urgent need of our help. We did not foresee how quickly they would rebuild, modernize, enlarge, and diversify their manufacturing capacity, or that their businessmen would soon challenge ours, often with substantial success; in world markets and even in our own market. In 1946 the entire world accepted the dollar as the supreme symbol of safety, strength, and stability. Few, if any, economists anticipated the uncertainty that has lately arisen about our ability to bring the balance of international payments into equilibrium.

Clearly, both the international scene and our own have changed profoundly since World War II, and so too have some of our economic problems. However well suited the Employment Act was to a time when public thought was so largely focused on the problem of unemployment, it can fit the needs of our own time only by a free interpretation of its provisions or by formal amendment. The broad language of the Act, as well as precedent and tradition, favor the former approach. After all, while the Act declares that it is the policy of the federal government "to promote maximum employment, production, and purchasing power," it also states that the methods used are to be consistent with the "needs and obligations" of the government, with "other essential considerations of national policy," and with the "gen-

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eral welfare." In view of these omnibus provisions, no President has ever felt seriously inhibited in emphasizing whatever economic problems he chose, provided the nation's employment needs also received due attention. For example, the latest Economic Report is addressed not only to the goal of maximum employment, production and purchasing power, but also to the goal of general price stability, to the goal of faster economic growth, to the goal of equal opportunity, and to the goal of basic balance in international payments. Clearly, this Report, far from being confined to the problem of achieving full employment, is concerned with the major economic issues of our time. As much can be said, I think, of most of the earlier Reports.

In view of the typically wide scope of Presidential pronouncements under the Employment Act, it may seem pointless to argue that anything is to be gained by amending the Act so as to broaden its explicit objectives. Yet that is precisely what I wish to argue. My thesis is simple. The Employment Act was designed to focus national policy on the alleviation, and, if possible, on the prevention of unemployment. In the meantime, other goals of national policy have been articulated with a sense of urgency, especially the achievement of reasonable stability in the general price level, the achievement of a higher rate of economic growth, and the strengthening of the international foundations of our prosperity and security. These goals are interrelated. Preoccupation with one may lead to injury to the others, and thereby also militate against full realization of the first. Federal economic policy has to address itself to each of our national goals and to their mutual accommodation. The fact that one or another Economic Report has done so admirably is not a sufficient basis for expecting that this will happen with sufficient regularity in the future. Not only do Presidents have their shortcomings, but so also do their economic advisers, and the best of men sooner or later tire or retire. If certain requirements are explicitly laid down by statute, there is a better chance that they will be respected than if the matter is left to personal discretion. In addition, amendment of the Employment Act would enhance public awareness of both the tasks and the complexity of national economic policy.

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There is some historical justification for taking this position. Since the end of World War II, whenever the forces of recession have begun to gather strength, the federal government has moved fairly quickly to try to curb the decline. Not only does the Employment Act call for such action, but there are always people around to remind the Executive of the government's responsibilities. There is nothing in the law, however, that requires the government to promote efficiency or a stable price level or a liberal commercial policy or equilibrium in the balance of payments. By and large, the pressures for corrective action in these areas have been much smaller.

For example, during the course of the recession of 1953–54, the Cabinet discussed every week, at the President's insistent request, economic developments, economic prospects, and the governmental actions that appeared to be necessary or desirable to bolster the economy. Every week the Chairman of the Council of Economic Advisers reported on these matters to the President and again to the Cabinet. And nearly every week some action was taken to check the recession. But when economic recovery finally got under way and signs of renewed inflation began emerging, the great sense of urgency that had previously ruled was no longer present. To be sure, inflationary developments were carefully noted and some actions were taken to contain them. To be sure, the Chairman of the Council still made his reports weekly to the President, but he did so less frequently at Cabinet meetings. Neither the President nor his advisers felt as much pressure for energetic action as before, nor did they in turn exert as much pressure on others. It would not be difficult to supply other and perhaps more striking illustrations of the tendency of governmental authorities to be more actively concerned with minimizing current unemployment than with preventing inflation or enhancing efficiency or accelerating economic growth in the future. Because of this tendency, I think that the expansion of employment itself has suffered.

I would not argue that the mere passage of an amendment broadening the objectives of the Employment Act will necessarily make much difference in the management of national prosperity. With or without such an amendment, some gov-

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ernment officials will continue to urge new import quotas or a higher minimum wage as a cure for unemployment, some will continue to argue for higher price supports to solve the problem of agricultural surpluses, some will continue to thunder against monopoly and yet refuse to allow railroads that want to compete on a price basis from doing so, and many will remain discreetly silent about the deliberate waste in which millions of workers and their managers have acquired a vested interest. All that I claim is that amendment of the Employment Act would favor deeper and more balanced thinking on economic issues, thereby helping to create an environment in which economic policies can be better adapted to national needs.

III

I have allowed myself to speculate that if the Employment Act were being written anew, it would have a different emphasis from the law that we have. I do not mean by this that full employment would be subordinated to other goals. On the contrary, I believe that the American people are more firmly committed to the ideal of full employment than they were a generation ago. If the Employment Act were recast today, it might even be christened "The Full Employment Act," as was the original Murray bill. Experience during the postwar period has demonstrated that the monetary and fiscal policies of government can have a powerful influence on the course of the economy without subjecting specific activities to regulation. In view of this experience, the goal of full employment has gained wide acceptance in business and financial circles as well as in other parts of our society. What we characteristically debate nowadays, therefore, is not the need for full employment, but the scale, timing, and character of economic programs for moving towards this and other generally accepted goals.

The Employment Act itself gives very little guidance on these matters. To be sure, the Act stresses the importance of promoting employment and production "in a manner calculated to foster . . . free competitive enterprise," but this constraint merely reaffirms our nation's commitment to the principle of freedom. Practically speaking, the means for dealing with recession and unemployment are left entirely

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to later judgment concerning the needs of the individual case. There can be no doubt that this element of flexibility has proved helpful to the government officials charged with administering the Employment Act. Indeed, economic life is so full of surprises that the Act might not have survived if the Congress had prescribed some formula, whether the one adumbrated by the Murray bill or any other, for dealing with the business cycle.

Nevertheless, not a few students of economics and politics have become dissatisfied with the way in which the federal government has been discharging its responsibilities under the Employment Act. There seems to be a growing feeling that anti-recession policies are sometimes capricious, that they are often developed or implemented in a mood of complacency, and that speedy if not automatic procedures are therefore needed to strengthen our defenses against recession. The latest Economic Report of the President has crystallized this interest in more vigorous stabilization policy by urging a stand-by tax reduction authority, besides a stand-by public works authority and a stronger unemployment insurance system. In the opinion of the Council of Economic Advisers, the enactment of these measures "would be the most significant step forward in policy for economic stabilization since the Employment Act itself."

The case for strengthening the stabilizing features of the unemployment insurance system seems clear. During the postwar period we have repeatedly seen how unemployment insurance aids the economy by maintaining the flow of income to individuals at the very times when income derived from production is depressed. By extending coverage to some of the millions who are still denied this protection, a larger part of the loss of income during recessions can be offset. This objective will be further served by providing for a more or less automatic extension of benefits during periods of abnormally large unemployment. True, several states have already passed legislation of this type; but the need is nation-wide and the Congress has recognized this in dealing with the recession of 1957–58 and again with that of 1960–61. On each of these occasions, legislation was passed to extend temporarily the duration of benefits. In each instance, however, the supplementary benefits became avail-

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able only after recovery had started. We can be quite sure that the Congress will not sit idly by when the next recession brings new personal hardships. But there is a risk, unless the Congress moves speedily now, that the supplementary benefits will once again come too late to serve as an effective brake on the forces of recession. The need for stand-by legislation that would provide for extended duration of unemployment insurance at a fairly early stage of recessions has, in my judgment, become compelling.

This, however, is not the only desirable reform of the unemployment insurance system. If we provide for a larger flow of benefit payments to the unemployed but do nothing else, some marginal workers will be tempted to join the labor force and some of the unemployed will tend to proceed more leisurely in searching for new jobs, thus nullifying, at least in part, the stabilizing effects of the liberalized benefits on employment. To avoid such frustrations, liberalization should be accompanied by other reforms of the unemployment insurance system. For one thing, unemployed workers need to be given much more help than they usually receive in finding new jobs. For another thing, retraining programs need to be fitted into the insurance system to aid those workers who can have little hope of finding employment in their own trade. Finally, the administration of benefits needs to be greatly improved, so that anyone who loses his job because of misconduct, or who quits without good cause, or who refuses to take a suitable job, is in fact—not merely nominally as is now the case in numerous localities—excluded from insurance benefits. Reform along these lines would help to lower labor turnover and to shorten the intervals between jobs, thereby serving not only to reduce unemployment but also to increase industrial efficiency and to curb any unwholesome upward pressure on the wage level.

Of the other stand-by measures that have figured prominently in recent discussions of anti-recession policy, I believe that the case for public works is less convincing than for tax reduction. The preparation of preliminary plans for new projects, their verification and revision, the acquisition of sites, the development of specifications, the arranging of finances, the letting of contracts and subcontracts—all these essential steps are very time-consuming. Moreover, once a

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construction project of any magnitude gets under way, the work itself may stretch over years. In theory, these difficulties may be overcome by concentrating on projects that can be started promptly and completed within a year or less. In practice, the number of extra projects that will qualify under such a standard is likely to prove insufficient, especially when attention is paid—as will prove unavoidable in a public works program—to geographic dispersion. But once the standard for approving projects is relaxed, the bulk of the new expenditure may easily spill over to a time when the economy is already advancing of its own momentum and requires no special stimulation. In addition to this timing difficulty, an emergency public works program carries a serious risk of wasting resources, of political abuse, and—budgetary conventions being what they are—of laying the basis for a permanently higher level of governmental spending.

A temporary reduction of income taxes would be free from much of the awkwardness or embarrassment that is likely to be connected with public works. Unlike construction projects, which must be screened individually before winning administrative approval, a tax reduction works impersonally and across the nation. Once a tax reduction has been legislated, it can become effective at once and with practically full force. Months need not elapse before the program develops momentum, as in the case of public works. If the tax reduction is also substantial, the increase in the disposable income of private citizens can be reasonably counted on to augment private spending powerfully as well as promptly. There is a great deal of general experience to support this expectation, perhaps the most directly relevant being the response of the private economy to the tax changes that became effective early in 1954.

However, a public works program is a familiar and even a somewhat popular device for dealing with recessions, while any proposal to cut taxes in order to check or avert business recession is still a novel if not a dangerous thought for many. Recent political discussions of the subject of taxes have overlooked the fact that, as yet, the Congress has never proceeded on the theory that it is wise to reduce income tax rates for the purpose of mitigating a business recession, to say nothing of reducing tax rates in order to prevent a recession. Since

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budgetary tradition hardly favors Congressional acceptance of a temporary tax cut to curb recession, the obstacles are all the greater to acceptance—or even to serious consideration—of a stand-by tax reduction authority which would require that the Congress, in order to permit speedy action, forego some of its jealously guarded power over public revenues. It seems safe to assert that years, perhaps many years, will pass before the principle of a stand-by tax reduction authority can win large political support.

I happen to be a supporter of this principle. But I also feel that additional study is needed before any specific proposal along these lines is acted on. Let me mention a few of the many questions that surround the proposal that is now before the Congress. First of all, this measure leaves the timing of any recommendation for a temporary tax reduction entirely to the President's discretion. May it not be desirable, however, in the event the unemployment rate or another suitable index reaches some specified level, to require the President to inform the Congress promptly whether or not, in his judgment, a temporary tax reduction is needed to meet the stabilization objectives of the Employment Act? Second, the measure before the Congress would call for a uniform reduction, which might be as much as five percentage points, throughout the schedule of the personal income tax. However, since business as well as consumer spending will ordinarily benefit from stimulation at a time of recession, would not the interests of the economy be better served by providing for a uniform percentage reduction of the income tax due from corporations as well as from individuals? Third, under the proposed authority, the power of the Congress is limited to rejecting the President's recommendation within thirty days of its submission. Would it not be wise, however, to leave to the Congress not only the right to reject, but also the right to raise or lower the recommended percentage reduction, within whatever limits are specified by the enabling statute? Fourth, under the proposed authority, the tax reduction recommended by the President would automatically take effect if the Congress is not in session. Is it not reasonable to argue, however, that when the nation's economy is deemed to be in such serious trouble as to require prompt tax reduction, the Congress should be called

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into special session to deal with the emergency by passing on taxes or anything else that warrants immediate action?

I believe that if the several questions I have put were answered in the affirmative, the proposal for a stand-by tax reduction authority would come to closer grips with both economic and political life. But my main purpose in raising these questions is to indicate that the proposal is still in a rudimentary stage. Before plunging into legislation it is essential to ponder closely still other questions—such as the optimum period for a temporary tax reduction and the desirability of extending the stand-by authority to permit tax increases for curbing inflation. Another question to be considered is the consistency of a temporary tax reduction, or at least its termination, with the widely held theory that our tax system takes so large a fraction of the additional income generated by business expansion that the process of expansion is likely to be choked off before full employment is reached.

Furthermore, it is well to recognize that the mere existence of a stand-by tax authority may not make the practical problems of business-cycle policy much easier than they are at present. After all, as I have already emphasized, the pursuit of full employment has to be reconciled with other basic objectives of policy. The recent national debate on taxes illustrates the difficulty. The economists participating in this debate apparently agreed that our economy may soon be drifting into another recession. They also generally agreed that lowering of income taxes would be advantageous at this time. However, some took the position that the critical need was to stimulate the economy over the next few months. In the interest of increasing promptly the income available for consumer spending or investing, they therefore favored a quick tax cut of the flat percentage type. Others took the position that the critical need was to stimulate the economy both this year and in the years ahead. They, too, were mindful of the increase in expenditure that would flow from an increase of disposable income, but they attached still greater importance to the release of money, credit, and energy that would flow from an upsurge of confidence in the future of new investments. Hence, they favored tax reform

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as well as tax reduction and they were willing to accept the probable cost of waiting several months for the preparation of a complicated law of this type. For the present at least, the views of the latter group have prevailed, but my point is that this might also have been the outcome if a stand-by tax reduction authority—the precise purpose of which is to permit speedy action—had already existed.

IV

As we look to the future, it is altogether likely that the standards applied by the American people to the performance of the economy will become even more stringent than they already are. The tasks of economic statesmanship will therefore not become any lighter. Whatever automatic or semi-automatic devices are eventually developed for stabilizing the economy, the area for discretionary actions will remain large. It will still be necessary to balance specific goals against one another, to seek as good a reconciliation among them as can be achieved, and to strive for this fine balance in the light of tomorrow's needs as well as today's pressures. There is ample justification, therefore, for exploring new ways of mobilizing the forces of understanding and of bringing them to bear on economic policy-making.

The hope was once seriously entertained that the President's Economic Report, or at least the portion for which the Council of Economic Advisers saw fit to assume full responsibility, would provide appraisals of the state of our economy and its needs, which could command, by virtue of their scholarship and practical wisdom, general acceptance. This hope has not been fulfilled.

However excellent this or that Economic Report of the President may be, it is by its very nature a political document. Its economic analysis might be flawless and its recommendations singularly free from partisan bias. That would not stop many citizens, however, from reading partisanship into its objective utterances. In fact, and if only because the President is the head of a political party as well as the head of government, this kind of Economic Report has never been written and probably never will be written. Much the same applies to public statements by the Council of Economic Advisers. Although the Council consists of

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economic experts, it is also a political body. The Council cannot discharge its primary responsibility of assisting the President and at the same time express views that diverge significantly from the President's public position. At best, the Council's pronouncements are destined to be punctuated by silence on matters that justify the eloquence of candor.

These political realities undoubtedly have their logic and even merit. Yet the question keeps recurring in both intellectual and business circles whether some method could not be devised for providing interested citizens with a thoroughly objective review of the state of the nation's economy followed by an outline of desirable directions of national policy. One familiar suggestion for attaining this authoritative guidance is to shift the duties of the Council of Economic Advisers from serving the President to serving the general public. More specifically, the thought is to remove the Council from the Executive Office of the President and make it responsible, as is the Supreme Court, to the people at large. The idea of a "supreme court of economics" has not, however, won much support. The proposal seems obviously defective. It overlooks the fact that a need would still exist for a group of professional economists to serve as the President's advisers. Also, it naively assumes that economics has reached the status of an exact science and that economic thinking can be entirely divorced from value judgments or political thinking.

A more practical approach, which has the merit of recognizing the limitations of economic science, would be to establish, through an amendment of the Employment Act, an *ad hoc* Commission on the Economic Report. This Commission would be instructed to advise the Congress, within three or four weeks of the President's submission of his Economic Report, of its views concerning the findings and recommendations of the Report and on such other matters as in its judgment require public attention. Once the Commission has made its report, or perhaps after its members have testified at Hearings held by the Joint Economic Committee, it would pass out of existence. A new Commission would be established the following year.

The crucial question raised by this proposal is, of course, how such a Commission is to be selected and appointed.

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Clearly, the method of selection and appointment should be such as to establish the widest possible public confidence in the Commission's competence and objectivity. After considering various devices, I believe that perhaps the most promising method is as follows: Let the ranking member of the Democratic contingent on the Joint Economic Committee draw up a panel of ten economists outside the government service, each of whom is deemed to be exceptionally qualified by training and experience to evaluate the President's Economic Report. The ranking Republican member of the Joint Economic Committee would likewise draw up a list of ten exceptionally qualified economists. Next, the ranking Democrat would designate three economists from the panel submitted by the Republican, and the ranking Republican would designate three economists from the panel submitted by the Democrat. The six thus chosen would constitute the Commission on the Economic Report. They would elect their own chairman or, if need be, co-chairmen.

Such a method of selecting the Commission should help to establish public confidence in its findings and recommendations. For, not only would the membership of the Commission be selected on a bipartisan basis, but there would be public pressure on the nominating officials of both parties to include economists of proven ability and distinction on their panels. It seems probable that this pressure would increase with time, especially if the purpose of the selecting procedure were ever flouted. Moreover, the process of narrowing the list from twenty to six names would of itself tend to weed out economists whose views are relatively extreme or who may otherwise be controversial.

It appears to me that the Commission device, whether or not it results in unanimous reports, would tend to raise public discussion of economic issues to a higher plane. The very existence of such a reviewing body is likely to make for greater care in the preparation of the President's Economic Report. Also, since the Commission's findings and views would be available to the Joint Economic Committee before it concluded its deliberations on the President's Economic Report, its own report would benefit directly from the Commission's work. It seems reasonable to hope, there-

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fore, that these benefits would ramify and foster sounder economic thinking on public policies across the country.

The President's Advisory Committee on Labor-Management Policy may in time also become a useful adjunct to our machinery for economic policy-making. This May a White House Conference on National Economic Issues was held on the initiative of this Labor-Management Committee. The Conference was attended by business executives, trade union leaders, other outstanding private citizens, as well as by high government officials. Its deliberations covered a wide range of topics and the Conference was deemed by many of the participants a useful experiment in communication between public officials and leaders in private life. In the future, it might be desirable to hold conferences of this type soon after the submission of the President's Economic Report and perhaps to concentrate on wage and price behavior in the light of the President's appraisal of the state of the nation's economy and its needs. Moreover, it remains to be seen whether the Labor-Management Committee, which has been given larger responsibilities than its name suggests, may not prove of some practical assistance to the President before as well as after his Economic Report is submitted to the Congress.

There are still other ways in which the machinery for economic policy-making may be improved. One of the formidable difficulties in shaping and articulating national economic policy is the wide diffusion of power within the federal establishment. Economic policy, it is well to remember, is in large part made, and in fact made continuously, through administrative decisions and the manner of their implementation. Since the policies of individual departments or agencies of our far-flung government have ramifications that may not be recognized by their chiefs, and since what is done in the domestic sphere can have repercussions on our international relations, there is a clear need for coordination of economic policies. Traditionally, this problem has been handled by the Bureau of the Budget, the Council of Economic Advisers, interagency committees, the Cabinet, the White House staff, and in still other ways. All these devices have proved their usefulness. The fact remains, nevertheless, that they have not infrequently failed to

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cope successfully with the tendency of individual units of government to cling tenaciously to what they regard as being, or what may in law actually be, their exclusive prerogative.

In view of the vital role that economic policy has come to play in our times, it may therefore be helpful to establish an Economic Policy Board that would bring to economic matters the authority and prestige which the National Security Council brings to matters of defense. This Board might include, besides the President and the Vice President, the heads of the departments of State, Treasury, Commerce, Labor, Agriculture, and Health, Education and Welfare, as well as the heads of the Federal Reserve Board, the Bureau of the Budget, and the Council of Economic Advisers. These officials could serve on the Economic Policy Board without any change in their responsibilities as defined under existing law. To fulfill its promise, the Board would need to meet at regular and fairly frequent intervals, invite other officials occasionally to join in its deliberations, and draw on a professional staff, the Director of which could best be the Chairman of the Council of Economic Advisers.

An Economic Policy Board thus constituted may well prove a useful experiment in government. True, the Board would impose a new demand on the President who is already overburdened. It might turn out, however, that the time spent by the President on the Board meetings was more than offset by the reduced need to discuss economic issues with department heads and other officials individually. In any event, the Economic Policy Board should provide a maximum of opportunity for balanced judgment on economic issues, thereby facilitating the development of consistent policies and the early correction of any that are found wanting.

This Board could also be helpful in the implementation of policies, which is never easy in the large establishment of government. An illustration may perhaps clarify this function. Early in 1955 it became evident that the threat of inflation was growing. By mid-year modest steps had already been taken to restrain the general expansion of credit, as well as the expansion of credit in several specific areas—housing, the stock market, and consumer instalment buying. However, nothing was done about federal spending until

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August, 1955, when, after extensive debate at a Cabinet meeting, the President decided to bring federal expenditures about two billion dollars below the projected estimate for the fiscal year. But in September the President had a heart attack and this impaired for a time his ability to keep the forces of government under close control. The decision to reduce federal spending temporarily, which was right and important at the time, was never carried out. Instead, federal expenditures increased and added to the inflationary pressures that were being rapidly generated by the private sector of the economy.

Of course, one cannot be entirely sure whether the decision to reduce spending would have been implemented if the President's health had been unimpaired. In view of the President's grave illness, it is also uncertain whether better governmental machinery would have made a significant difference. Nevertheless, I believe that if an Economic Policy Board, such as I have sketched, had existed at the time, the chances of implementing the President's decision would have remained good. In view of the President's disability, the chairmanship of the Board would have passed as a matter of course to the Vice President. The Board would have continued to meet on schedule. Hence, the Director of the Budget and the Chairman of the Council would have had an opportunity to report on how well the decision on spending was being carried out. As it was, the decision was forgotten amidst the anxiety and confusion that followed the President's heart attack.

This illustration has implications for governmental practice that I cannot stop to pursue. My present aim is simply to emphasize the need of better machinery for economic policy-making. It is not enough to bring good men to posts of authority within the government. The forces of economic understanding both within and outside the government need also to be mobilized in an efficient manner. This practical problem of government deserves more study than economists or political scientists have been devoting to it.

V

I shall bring these reflections on the Employment Act to a close by commenting briefly on our statistical machinery

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for economic policy-making. That comprehensive economic statistics are vital to the implementation of the Act was clearly recognized by its authors, as my sketch of the early history of the Act may already have suggested. From their very inception, the Council of Economic Advisers and the Joint Economic Committee have therefore worked closely with other governmental agencies, especially the Office of Statistical Standards, on the improvement of economic data. In 1954 the Joint Economic Committee gave formal recognition to the statistical side of the Employment Act by establishing a permanent Subcommittee on Economic Statistics. This Congressional group has devoted considerable effort to helping other legislators understand the practical importance of better records, and it has also encouraged economists both within and outside the halls of government to think more boldly about statistical needs. As a result of these activities and the enterprise of various private research agencies, our statistical records for economic policy-making have greatly improved in scope, in accuracy, and in promptness of publication.

Nevertheless, a serious need remains for strengthening the statistical machinery of the Employment Act. In judging the condition or prospects of the labor market, we still have to rely on a patchwork of overlapping and at times puzzling compilations. In seeking to discriminate between structural changes as one possible cause of unemployment and deficiency of aggregate demand as another, we are still frustrated by an almost complete absence of statistics on job vacancies. We still do much of our economic thinking with statistics of hourly earnings that take no account of fringe benefits, although they are a large and increasing part of labor compensation. We still put up with statistics on profits that are much too tardy. For example, as late as the middle of May, 1961, when the economy was already recovering from the recent recession, the Department of Commerce had not yet released any estimate of corporate profits beyond the third quarter of 1960, when the recession was just about getting under way. We still do not have comparable monthly or quarterly data on prices and unit costs of production in major individual industries. We still lack systematic and comparable records for different stages of the

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investment process—that is, of the volume of investment initiated, the volume executed, and the volume completed. Records distinguishing between the domestic and foreign origin of the orders received by manufacturers are still scanty, and we have hardly begun to devise a system of internationally comparable price statistics. Surely, correction of deficiencies such as these is vital to the proper diagnosis of the state of our domestic economy and of our international economic relations.

There is also a need to improve estimates of the gross national product on which government and business officials nowadays rely so heavily. A single illustration will suffice. When the President's Economic Report was issued in January, 1955, the economy was rapidly recovering from the recession that followed the end of the Korean War. It therefore seemed desirable to assess the lessons of that recession in the light of its scope and magnitude. According to statistics then available, the annual rate of the gross national product, when viewed from the expenditure side, had dropped $14.4 billion during the recession—that is, between the second quarter of 1953 and the third quarter of 1954. However, when viewed from the income side, the gross national product showed a drop of only $7.4 billion during this period. Some time later, revised estimates reduced the first figure to $6.8 billion and the second to $5.6 billion. When uncertainties of this magnitude can surround measurements of the past, still larger uncertainties must surround estimates of the future and there is bound to be some uneasiness about the relation that economic policies may bear to actual conditions.

Forecasting is, of course, essential to economic policy. Indeed, policy-making without forecasting is unthinkable. Some controversy has arisen, however, about the wisdom of publishing short-term forecasts and projections such as the Council of Economic Advisers must steadily make. There is a fairly widespread belief among economists that the Employment Act requires the publication of numerical estimates of what the nation can produce under conditions of full employment and of what the nation will produce if existing governmental policies remain unchanged. This opinion seems to be based on a confusion between Senator Mur-

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ray's "Full Employment Act" and the bill which became law. In any event the vital question is whether estimates of this sort can be made with sufficient reliability to justify the President in cloaking them with the authority of his office. In my judgment, existing knowledge enables experts to do reasonably well in forecasting the direction of economic movements and the direction of the effects of specific policies. When it comes, however, to estimating the magnitude of changes in either potential or actual output in the future, only very rough estimates are as yet possible. When such figures are used by the President or in his name, many businessmen and wage earners may form the impression that government officials actually know how much our economy will be able to produce and how many jobs there will be under different sets of conditions. Since that is hardly the case, statistical pronouncements of this type may generate a false sense of security among people at the cost of excessive disappointment later, thereby complicating the tasks of governmental policy.

Although Presidential endorsement of these forecasts and projections seems inadvisable to me at present, it is desirable for economists to strive energetically for the knowledge needed to justify this or other sensitive uses in the future. A significant step in this direction is represented by the statistical intelligence system that the Bureau of the Census recently inaugurated in its monthly publication, *Business Cycle Developments*. Earlier research had demonstrated that expansions and contractions of aggregate economic activity are cumulative processes. The new publication builds on this feature of the business cycle by presenting and analyzing the more significant indicators of activity on the principle that economic impulses take time to work out their effects. If properly used, statistics arranged in this fashion can frequently give an early warning signal of recession or recovery.

However, this tool of forecasting is still imperfect and considerable research will be needed to develop its full potential. It would be desirable, in the first place, to develop separate lists of indicators for recessions and recoveries. These lists will undoubtedly be largely the same, but they will not be identical. For example, it seems clear on theo-

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retical grounds and is demonstrable empirically that unemployment tends to lead at downturns but to lag at upturns of the business cycle. In the second place, it would be desirable to improve on present crude methods of gauging the probable magnitude of an expansion or contraction that is still under way. More important still, it is often impossible even for experts to tell with confidence whether an apparent early signal of recession means precisely that or merely a temporary lull in aggregate activity. Research, therefore, needs to be directed to ways of refining this vital distinction. The authorities of the Bureau of the Census who have been working on *Business Cycle Developments* are fully aware of these research needs.

There are many other problems that require statistical research from the viewpoint of the Employment Act. One is the measurement and forecasting of productive capacity, both in major industries and in the economy as a whole. A second involves careful review and exploratory work on formulas for triggering anti-recession devices. A third involves measurement of the rate of economic growth so as to allow properly for temporary fluctuations in output, for price changes, and also for the numerous activities that are now excluded from over-all measures. A fourth involves improved measurement of industrial productivity, of unemployment, of the consumer price level, of the formation of new businesses, and so on. These statistical investigations must go hand in hand with theoretical inquiries of the interrelations of economic processes and they must deal with complex psychological phenomena such as the nature of business confidence. The opportunities for useful research by economists and statisticians are therefore large and so they will remain. As we go about our inquiries, it will be useful to bear in mind that the practices of policy-makers under the umbrella of the Employment Act will improve no faster than our basic knowledge of how the economy works.

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SOCIOLOGY AND UTOPIA: THE EARLY WRITINGS OF SIMONE WEIL*

WHEN Simone Weil died in 1943, at the age of thirty-four, she was hardly known to the general public. She had been working for the Gaullist resistance organization in London and, like many other young French intellectuals, she had participated in the remarkable wave of political speculation which occurred in France during the thirties. Although she wrote a good deal, she published very little during her lifetime, and what she did publish appeared for the most part in relatively obscure journals. Since the end of the war, however, her works have been appearing in successive volumes, several of them in a series which was personally supervised by Albert Camus, who described Simone Weil in 1951 as "the only great spirit of our time." [1]

Simone Weil was an extremely complicated person, and I have no intention of attempting to analyze her personality. That has been done well elsewhere.[2] Some brief biographical comments are necessary, however, in order to situate the subject of this article. Throughout her lifetime, Simone Weil displayed an extreme asceticism, compassion for the suffering of others and an overriding tendency to identify herself with the poor and downtrodden. A graduate of the Ecole Normale Supérieure and a secondary school teacher until her license was revoked in 1940 by the Vichy administration under the anti-Jewish laws, she spent much of her time between 1931 and 1935 among miners and factory workers, engaged in union activities of a revolutionary syn-

* This study was assisted by a grant from the Faculty Research Fund of the Horace H. Rackham School of Graduate Studies of the University of Michigan. I am also indebted to several colleagues, especially Arnold Kaufman, for their comments on an earlier draft.

1 *L'Express,* February 11, 1961.

2 Two excellent studies in English are E. W. F. Tomlin, *Simone Weil* (New Haven, 1954), and Leslie A. Fiedler, "Simone Weil: Prophet Out of Israel. A Saint of the Absurd," *Commentary,* Vol. XI (January 1951), pp. 36–46. The principal biography is Jacques Cabaud, *L'Expérience Vécue de Simone Weil* (Paris, 1957).

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dicalist kind, and wrote on problems of social and political organization. During part of 1934 and most of 1935, she worked in factories in the Paris area, an experience which was literally agonizing for her and which she recorded in her "Journal d'Usine" and in other writings published together as *La condition ouvrière* in 1951. Between 1935 and 1938, which included a brief and disillusioning period spent with the Republican forces in Spain, she underwent a spiritual conversion, the culmination of which she dated at Easter of 1938.[3]

The years during which Simone Weil underwent her spiritual conversion constitute a dividing line between what can be called the two phases of her thought. Prior to 1935, Simone Weil wrote almost exclusively on social and political affairs; her analytical method was materialist; her sociology was functional; her normative theory was strictly secular. In short, she was a rationalist, and her early writings are the product of her rationalist phase. After 1938, Simone Weil wrote more on religion, spiritualism and the supernatural than she did on social and political organization. Her interest in society and politics continued, however, and some of her last writings are on these subjects. These later social and political writings differ from the earlier ones in that they are spiritualist rather than materialist, historical rather than sociological, romantic rather than rationalist. The later writings constitute what I will call Simone Weil's spiritual phase. This is not to say that there is not continuity in the preoccupations which inspire the political works of the two periods, or that there are not perhaps greater points of similarity between them than first readings might suggest. The Simone Weil of the rationalist phase resembles Rousseau more than any other political thinker; the Simone Weil of the spiritual phase resembles Burke, and the resemblance between Rousseau and Burke is greater than the latter, at least, would acknowledge. But there is a difference in tone and emphasis between the works of the two periods, as the titles of the main political essays of the two periods indicate. Each of the two phases of Simone Weil's thought is dominated by a single political essay supplemented by lesser essays

[3] *Attente de Dieu* (Paris, 1950), p. 75 (Eng. tr. by Emma Craufurd, *Waiting for God* [New York, 1951]).

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inspired by a similar outlook. The main essay of the first phase is "Réflexions sur les causes de la liberté et de l'oppression sociale"; that of the second phase is *L'Enracinement.*[4]

There has been remarkably little discussion of Simone Weil's early political and social writings. Most of the discussion of her thought has centered around her religious writings and the political writings of her spiritual phase.[5] The main reason for this, I think, is simply that the "Réflexions" was not published until after her later writings had appeared. Almost all of Simone Weil's religious writings [6] and notebooks,[7] as well as her spiritual autobiography,[8] were published between 1948 and 1953. The main essay of her spiritual phase, *L'Enracinement,* which was written just before her death in 1943, was published in 1949. The main essay of her rationalist phase, the "Réflexions," was written in 1934

[4] The first essay is in *Oppression et Liberté* (Paris, 1955) (Eng. tr. by Arthur Wills and John Petrie, *Oppression and Liberty* [London, 1958]). The second is book-length in itself; its full title is *L'Enracinement: prélude a une déclaration des devoirs envers l'être humain* (Paris, 1949) (Eng. tr. by Arthur Wills, *The Need for Roots, Prelude to a Declaration of Duties toward Mankind* [New York, 1952]).

[5] For a discussion of *L'Enracinement* which emphasizes its Burkean characteristics, see G. L. Arnold, "Simone Weil," *Cambridge Journal,* Vol. IV (March 1951), pp. 323–43.

There are two studies which include the "Réflexions" in their treatment: the chapter on Simone Weil in Lucien Guissard, *Ecrits en Notre Temps* (Paris, 1961), and Marie-Magdeleine Davy, *Simone Weil* (Paris, 1956). Neither work suggests the division in Simone Weil's thought which I find. Davy states (pp. 20 and 24) that Simone Weil wrote the "Réflexions" after her experience as a factory worker, and Guissard seems to believe so too (p. 95). The evidence indicates, however, that she had written this essay before she became a factory worker. In a letter of 1940 referring to what can only be the "Réflexions," Simone Weil says that it dates from 1934 (*Oppression et Liberté, op. cit.,* p. 7), and biographical accounts agree that she started factory work on December 4, 1934. There is a sharp reduction in the number of her periodical publications after December, 1933, suggesting that she was working on a major study after that date. Lastly, the germs of the theme of the "Réflexions" appear in two articles published in the fall of 1933.

[6] *La Pesanteur et la Grâce* (Paris, 1948) (Eng. tr. by Emma Craufurd, *Gravity and Grace* [London, 1952]). *La Connaissance Surnaturelle* (Paris, 1950). *Intuitions préchrétiennes* (Paris, 1951). *Lettre à un Religieux* (Paris, 1951) (Eng. tr. by A. F. Wills, *Letter to a Priest* [London, 1953]).

[7] *Cahiers,* 3 Vols. (Paris, 1951, 1953, 1956) (Eng. tr. by Arthur Wills, *Notebooks,* 2 Vols. [London, 1956]).

[8] *Attente de Dieu, op. cit.*

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but not published until 1955.[9] Let us, then, take first things first, not simply because Simone Weil herself did not repudiate the "Réflexions," despite the different orientation her thought took after 1938,[10] but also because of the intrinsic interest of these early writings.

The "Réflexions" consists of a critique of Marxism, a sociological analysis of the causes of oppression and the construction of a utopia. The critique of Marxism is in the main familiar, and we need not linger over it except where Simone Weil made an original effort to replace Marxist determinism with a more intelligible theory of social change. The sociology, a mixture of Darwin's concept of the conditions of existence, Mosca's theory of social forces and Hobbes' psychology, will be treated later in some detail. The utopia is the product of an imaginative student of Rousseau. The combination of this sociology and utopia is rare, and the use Simone Weil made of it runs counter to the widespread current view that utopias are dangerous and to be identified with millenarianism. Simone Weil was no millenialist. Taken together, her sociology and her utopia found a theory of democratic self-government, furnish a unique scheme for comparative social and political analysis and provide an analytical framework which illuminates the dilemmas of man's pursuit of freedom.

I. *The Case for Utopia*

Utopias do not seem to be much in fashion these days, although it is not exactly clear why this is so. It is surely true that tremendous damage to life and human values can be caused by groups which engage in what Karl Popper calls "utopian engineering." The intractability of societies before efforts to translate preferences into reality can lead to violence and the contradictory sacrifice of men to a cause con-

[9] In *Oppression et Liberté, op. cit.* Still more recently published works of political interest are *Ecrits de Londres et Dernières Lettres* (Paris, 1957), and *Ecrits Historiques et Politiques* (Paris, 1960).

[10] She referred to the "Réflexions" as "'the great work'" as late as 1943 (*Ecrits de Londres et Dernières Lettres, op. cit.*, p. 227), and in 1940 she wrote to a friend that she regretted not having published it and that she thought it was *"très actuel"* and worth the trouble of not losing (*Oppression et Liberté, op. cit.*, p. 7).

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ceived for their benefit. But there is a difference between conceiving a utopia as a guide to action and destroying an existing society in order to establish the utopia conceived. Even Popper concedes that "piecemeal engineering" may be inspired by what he calls a blueprint.[11]

It may be that some of the recent literature which proclaims, advocates or simply asks whether we have reached "the end of ideology" operates against the conceiving of utopias. P. H. Partridge finds a conservative mood reflected in at least some of this literature.[12] Yet some of the contributors to the "end of ideology" notion combine in their political analyses both sociological and normative elements. The literature of this school urges us not to take conceptual representations of reality for reality itself, not to pursue goals without regard to circumstances, and not to identify any given society with an ideal society. All this is reasonable and wise, but it implies no prohibition upon conceptualization, the pursuit of goals, or the definition of ideals.[13]

Simone Weil's early thought is relevant to these current concerns because it dealt with identical problems. She, too, was an ideology slayer. She argued that it was necessary "to discredit empty abstractions and analyze concrete problems" [14] and that it would be "a work of public salubrity" to hunt down abstract entities "in every domain of political and social life." [15] She was committed to what she called the materialist method, by which she meant "examining any human

[11] Karl Popper, *The Open Society and Its Enemies* (London, 1952), Vol. I, Chap. 9.

[12] P. H. Partridge, "Politics, Philosophy, Ideology," *Political Studies*, Vol. IX (1961), pp. 217–35.

[13] I have in mind here particularly George Sabine, "Beyond Ideology," *Philosophical Review*, Vol. LVII (1948), pp. 1–26, and the works of Raymond Aron, particularly, *L'Opium des Intellectuels* (Paris, 1955) (Eng. tr. by Terence Kilmartin, *The Opium of the Intellectuals* [New York, 1957]).

[14] From a fragment in *Oppression et Liberté, op. cit.*, p. 173.

[15] *Ibid.* A sentence identical to the one quoted from appears in "Ne Recommençons Pas la Guerre de Troie," in *Ecrits Historiques et Politiques, op. cit.*, p. 272. This volume, like most of the posthumously published volumes of Simone Weil's writings, contains works published earlier as well as previously unpublished works. I will not cite the original place of publication, but I will indicate in parentheses the date of first publication for previously published works or the date of writing, if known, for previously unpublished works. In this case, the date is April 15, 1937.

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fact by taking less account of the goals pursued than of the consequences necessarily implied by the very play of the means put into use." [16] She anticipated a theme which was to be developed by Isaiah Berlin by arguing that the revolutionary movements of the thirties, of which she was severely critical, assumed that a revolution would automatically solve all problems simply by abolishing them.[17] She was deeply pessimistic; she believed that there were no inherent social forces at work making for progress, and that "the enlightened good will of men acting as individuals is the only possible principle of social progress." [18] In the conflict between revolution and reform, Simone Weil was squarely on the side of reform. Yet at the same time, she was convinced that a utopian vision was essential, no matter how far distant it may be from reality.

Simone Weil believed that reformism was based on the "principle of the lesser evil" and that this was "certainly eminently reasonable." "The formula of the lesser evil," she wrote, "remains the only one applicable." But this formula has to be applied with "the coldest lucidity," which means defining "the worse and the better as a function of a clearly and concretely conceived ideal" and determining "the exact margin of possibilities." If this operation is not performed, it is not possible to tell which is the lesser evil. And in the absence of knowledge of which is the lesser evil, the existing balance of forces is necessarily and reasonably maintained, necessarily because it is an unchallenged balance of *forces,* reasonably "because any real evil is always less than the possible evils which an uncalculated action always risks producing." In this theory, what it is illegitimate to expect a revolution to produce, it is essential for the mind to conceive. Utopias are necessary if the existing social balance is

16 "Réflexions sur la Guerre" (November 1933), *ibid.,* p. 233.

17 "Examen Critique des Idées de Révolution et de Progrès" (between 1934 and 1938), in *Oppression et Liberté, op. cit.,* p. 180, and "Quelques Méditations Concernant L'Economie" (1937?), in *Ecrits Historiques et Politiques, op. cit.,* p. 321. See Isaiah Berlin, "Political Ideas in the Twentieth Century," *Foreign Affairs,* Vol. 28 (April 1950), pp. 351–85.

18 "Réflexions sur les causes de la liberté et de l'oppression sociale," in *Oppression et Liberté, op. cit.,* p. 80. This essay will hereinafter be cited simply as *Oppression et Liberté.*

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to be consciously changed without risk of creating new conditions as bad as, or worse than, the existing ones.[19]

But if a utopian concept is essential to provide the goals, a knowledge of society is also required to determine the probability of achieving the goals. Simone Weil is a particularly interesting utopian because she continually insisted on the futility of proposing reforms which social analysis could demonstrate to be doomed to failure. The key concept of her own social analysis is what she called "the conditions of existence." Proposals for reform, in her view, must be compatible with the conditions of existence of a given society if there is to be a reasonable expectation of their success. Her central criticism of Marxism was that she saw no reason to believe that productive forces necessarily increase and that social institutions automatically adapt to them, eventually producing a good society. She thought that this was a myth which bore the same relation to social science that Lamarck's theory of the propensity of living creatures to adapt organically to their environment bore to biological science, and that the development of social science required an improvement on Marxism equivalent to Darwin's improvement on Lamarck. She interpreted Darwin's improvement on Lamarck as the introduction of the notion of the conditions of existence (actually, the concept of natural selection more clearly conveys the meaning of the distinction Simone Weil wanted to emphasize); living creatures do not organically adapt to their environment, but those creatures which are so organically adapted will survive while those which are not will perish. Similarly, for social science, Simone Weil argued that there is no single force at work, such as the productive process, which produces social institutions adapted to it, but rather that people continually make all kinds of innovations, some of which will fail because they are incompatible with the conditions of existence, others of which may endure because they are compatible with them. There is, in other words, a process of natural selection among human initiatives. These initiatives are in no way determined by the

[19] The quotations are from *ibid.*, pp. 85 and 86, and from "Méditation sur L'Obéissance et la Liberté" (between June 1936 and 1938), in *Oppression et Liberté, op. cit.*, p. 192.

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conditions of existence, but the conditions of existence render ineffective all initiatives not compatible with them.[20]

The conditions of existence include the natural environment, the existence, actions and competition of other groups, and the way in which society organizes to deal with these two conditions.[21] This means essentially the way in which society equips itself and organizes itself for productive purposes and for warfare. These conditions form the basis of Simone Weil's sociology. It is by means of these conditions that she sought to explain the problem of social change and the existence of oppression, and it is in relation to these conditions that she sought to establish the conditions of liberty.

II. *The Functional Theory of Oppression*

Simone Weil did not offer any explicit definition of oppression. She did, however, illustrate it and she did furnish an explicit definition of liberty. As oppression appears in her thought in relation to liberty, we can approach her interpretation of oppression by starting from her definition of liberty.

Simone Weil's ideal conception of liberty combines what Maurice Cranston calls "rational freedom" and the notion that freedom is a faculty.[22] Liberty is not, according to this view, the absence of necessity, nor a relation between desire and satisfaction, but rather "a relationship between thought and action." The free man is one who is self-determining in the sense that he both conceives his goals rationally and pursues the course that reason prescribes for attaining those goals. Thus far, liberty is "rational freedom." It is also crucial, however, that these reasoned judgments be those of the individual himself. A man would not be free, but rather "would be wholly a slave if all his acts proceeded from a source other than his thought, whether the unreasoned reactions of his body, or the thought of another." This last

[20] *Oppression et Liberté, op. cit.*, pp. 64–68, 80–84. Simone Weil repeated this argument just before her death in "Y a-t-il une doctrine marxiste?" (1943), in *Oppression et Liberté, op. cit.*, pp. 241–46.

[21] *Oppression et Liberté, op. cit.*, p. 84.

[22] Maurice Cranston, *Freedom, A New Analysis* (London, 1953), Part One, Chap. 3.

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phrase introduces the notion of freedom as a faculty. While Simone Weil is not as explicit on the point as Montesquieu, who spoke plainly of the necessity for personal security, it is clearly not possible to avoid acting on the basis of other men's thoughts if personal security does not exist. But of the two elements, Simone Weil emphasized the aspect of rationality over the aspect of freedom as a faculty. She compared her view of liberty with the solution of a mathematical problem which contains all the elements of its solution and which can be solved by a man unaided except by his own judgment; similarly, the free man "would at every moment forge the conditions of his own existence by an act of thought." [23] This view of liberty is presented, of course, only as an ideal, not existing in any real situation. No man can alone forge the conditions of his existence. But it is an ideal which men can seek to approximate.

Oppression appears in Simone Weil's thought as the opposite of liberty. Absolute oppression would be a situation in which none of a man's acts proceeds from his own thought. But while Simone Weil treated liberty as an ideal, which can therefore be defined abstractly, she treated oppression, which she regarded as something only too real, in more concrete terms. In the last analysis, oppression is the deprivation of the power of thought, but its conditions are material and physical. Simone Weil objected to low wages and the economic harm done to the workers by bureaucratic inefficiencies within the factory, especially under the piece-work system, in which a worker suffers if the foremen delay in allocating jobs, supplying materials and repairing machinery. She was concerned also with the physical aspect of oppression in the forms of fatigue resulting from long hours and dangers resulting from poor working conditions. She burned with indignation at the humiliations to which workers are subjected. Low wages, physical danger and arbitrary treatment are burdensome in themselves, but what links them to Simone Weil's theory of liberty is that they are neither self-determined nor conducive to the exercise of methodical thought. Her fundamental objection to the material and physical aspects of

23 The quotations are from *Oppression et Liberté, op. cit.*, pp. 115, 116 and 117.

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oppression is that they reduce the capacity and even the desire to think.[24]

Enforced prohibition upon thought was for Simone Weil the supreme humiliation. She found it inhuman that a worker's acts should follow the rhythm of a machine, the pace of an assembly line, an arbitrary set of rules or a foreman's unexplained command. Liberty is rational freedom and the faculty to make it operative; oppression is subordination to the will of others.

The core of Simone Weil's sociology is her functional theory of oppression. The essence of this theory is that oppression results from the subordination of those who execute to those who command, and that those who command do so in the performance of essential social functions. Simone Weil was not an anarchist. She did not think that subordination could ever be removed from the social order. She distinguished between the "subordination of individual caprices to a social order" and a degree of constraint that is stultifying physically and morally.[25] The only time in her early writings that she indicated how she distinguished between oppression and legitimate subordination was in connection with the relationship between subordinates and superiors within the factory.

> I conceive of the question of authority on the theoretical level in the following way [she wrote]: on the one hand, the chiefs must command, surely, and the subordinates obey; on the other hand, the subordinates must not feel themselves delivered body and soul to arbitrary domination, and to this end they must not, certainly, collaborate in the preparation of orders, but be able to understand the extent to which the orders correspond to a necessity.[26]

The distinction between legitimate subordination and oppression would seem to lie in the absence or presence of understanding on the part of subordinates of why they should

[24] *La condition ouvrière* (Paris, 1951), *passim.* See also Anne Reynaud, *Leçons de Philosophie de Simone Weil (Roanne 1933–1934)* (Paris, 1959), pp. 136–38. This volume consists of notes taken by the author when she was a student in a class taught by Simone Weil. The pages cited confirm my interpretation of Simone Weil's concept of oppression.

[25] *Oppression et Liberté, op. cit.*, p. 79. See also p. 271.

[26] *La condition ouvrière, op. cit.*, p. 187 (1936–37).

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obey. But what is a necessity? At one point, Simone Weil talks of "natural necessities," but beyond a certain level of subsistence the weight of nature becomes a matter of human choice. On another occasion, again in the context of industrial relations, she spoke of balancing the legitimate material interests of production and the legitimate rights of the workers.[27] These, too, are matters of choice and not necessity, but Simone Weil believed that these problems had to be settled by compromise, and I think that the bargaining situation furnishes the most accurate interpretation of her notion of necessity. The subordinate understands that his position corresponds to a necessity when he is rationally persuaded that there is no way, in the prevailing conditions, to satisfy what he and the superior agree to be a necessity except by his subordination. This proposition, that commands should be justified rationally, has broad implications for social and political organization.

The abolition of all constraints, therefore, was in Simone Weil's view neither possible nor even conceivable. What was reasonable, she believed, was to try to find a form of social organization which would not be oppressive. Oppression was not, in her view, the result of conscious human desires but rather the product of necessary social relationships. She approached the problem of reducing oppression by analyzing the objective conditions which produce it. The conditions are the conditions of existence which underlie her whole sociology: nature, other social groups, and the ways in which men organize to master nature and to protect themselves from other social groups. But this sociology alone is not adequate to account for oppression; it accounts only for subordination. Her theory of oppression rests also on the dynamic of competition, and this implies a psychology. Simone Weil borrowed her psychology from Hobbes.

The fundamental characteristics of the conditions of existence in Simone Weil's theory are the complexity of knowledge and the division of labor. These two characteristics necessarily produce power-holders (people who dispose of the fate of others), because they both lead, although by different paths, to situations in which large numbers of people are

[27] *Ibid.*, p. 208 (1936–1937?).

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dependent upon smaller numbers of people. The division of labor makes the coordinating function necessary, but this is a function which cannot be performed by everyone, in part because it requires specialized knowledge but also because there is only a limited number of coordinating positions. The complexity of knowledge gives certain people power over others because as long as the others regard this knowledge as essential, they are dependent upon the people who alone have it. The privileged groups which Simone Weil identified were priests, scientists and technicians, the military, specialists in the organization of economic exchange and specialists in the aggregation and coordination of effort, both in governmental and private affairs. These groups did not, in her view, necessarily all appear at the same historical moment, and, although she thought she had listed the main ones, she did not claim that the list was exhaustive.[28] But the exercise of power by groups which perform socially necessary functions is not, by itself, sufficient to account for oppression. The exercise of power becomes oppressive, in Simone Weil's theory, because of competition, or what she called the struggle for power.

Simone Weil's analysis of the struggle for power is similar to, but not identical with, Hobbes' analysis of the natural condition of mankind. Men are active beings who seek to determine themselves; consequently, there is conflict between the power-holders and their subordinates. Moreover, the instruments of power, such as arms, wealth, or knowledge, can be acquired by others; consequently, there is conflict between the power-holders and their rivals. The privileged seek to conserve their power, their rivals seek to replace them, their inferiors seek to remove them. In part, the power-holders act out of a defensive reflex based on a selfish interest: it is a vital necessity for the power-holders to conserve their power because it is their power which nourishes them. But power is only a means to an end which is never secure as long as power is threatened, with the result that there is never real power but only a race for power, which goes on *"sans terme, sans limite, sans mesure."* In this race for power, the power-holders seek to extend and intensify

[28] *Oppression et Liberté, op. cit.*, pp. 88–90.

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their control over the human and other resources essential to the maintenance of their power. The result is oppression.[29]

So far, the analysis is essentially Hobbesian. But Simone Weil goes beyond Hobbes and attributes to the struggle for power characteristics which Hobbes sees only in its containment. The privileged do not seek to conserve their power only because of a selfish interest. They hold their privileges because they perform necessary social functions, so the defense of their positions also serves a social interest. The power-holders regard it as their duty to defend their privileges because by doing so they also defend the existing social order. The preservation of order is a social necessity; the existing social order is the only one which the power-holders can regard with certainty as being possible; and Simone Weil held that they are partly right. The power-holders oppress with good conscience.[30] This is what makes a social science necessary, for without one how can any convincing argument for social change be made?

The weakness of this theory is one which is inherent in any purely functional theory of social organization; it cannot alone explain the variations in the organization of different societies. Simone Weil knew, of course, that societies were organized differently, but while she could describe these differences within the framework of her theory (the distribution and combination of power-holders, the degree of concentration of power, the degree of accessibility to each functional group) she made no attempt to explain them. If she had, she would have had to go outside her functional framework. Instead, she tended to blur the distinctions among modern societies by producing a "developmental construct" similar to that of the garrison state which Harold Lasswell was producing at about the same time (and which also rests on a functional theory of social organization).

Subordination, privilege and power do have a functional base (with allowances for the stickiness of privilege and power), and the struggle for power has produced and can

29 *Ibid.*, pp. 90–98; the quotation is from p. 93.

30 *Ibid.*, p. 157 and a fragment on p. 171 (1933–1938). See also "Réflexions sur la Guerre," *op. cit.*, p. 239 and "Ne Recommençons Pas la Guerre de Troie," *op. cit.*, pp. 264–65.

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produce oppression, but whether subordination becomes oppressive or remains legitimate depends upon the way in which the struggle for power is organized and conducted. One striking omission from Simone Weil's theory is an examination of the political organization of society and the non-functional factors which contribute to it. This is surprising in view of the important role that her "developmental construct" attributed to the state. She thought that there was a tendency almost everywhere for societies to develop totalitarian forms of organization, more or less approximating the Russian model, in which economic and social activities would be subordinated to the military and all, in turn, would be coordinated by (and consequently subordinated to) the state. Yet she had a rather rudimentary notion of a state, which she seems to have regarded essentially as a bureaucratic hierarchy. She did not analyze the institutions which constitute a state, the mechanisms by which it performs the coordinating function, or the relationships between the institutions of the state and social groups. Her emphasis on the state as a general coordinating agency in an increasingly complex society is surely an improvement over sociological theories which rely on more automatic processes of social integration, and it has tended to be confirmed by events, but the coordinating process itself is not and need not be performed in the same manner in all societies.

Simone Weil had a clear notion of how the coordinating process *should* be conducted, however. In a highly bureaucratized society, the coordinating function logically fell, in her view, to the state, "the bureaucratic organization par excellence." [31] But if coordination is the most essential social function, it is also the function "most essentially attached to the individual." [32] Performed by the state, the coordinating function is anonymous; performed by the individual it is the exercise of methodical thought. The exercise of methodical thought, we have seen, is liberty. The ideal society, therefore, is one in which the coordinating function is performed not by the state but by everyone.

[31] *Oppression et Liberté, op. cit.*, p. 151.

[32] *Ibid.*, p. 144.

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III. *Utopia*

Simone's Weil's utopia is essentially a system of production in which every worker would determine his own behavior by reason alone, without reference to any rules, with respect both to his own role in the productive process and the coordination of his role with the roles of all the other members of the community. In such a society, everyone would be in a position to control the entire life of the community, so community life would always be in conformity with the general will. Would this not put the whole society at the mercy of a single arbitrary act? The situation is excluded conceptually, because "there is only one single, identical reason for all men; they become foreign and impenetrable to one another only when they depart from it; thus a society in which the necessary and sufficient condition of all material life is that everyone exercise his reason would be completely transparent to every mind." [33]

Such a society requires special conditions. The technology employed would have to be of a kind which requires the constant exercise of reason; technological knowledge would have to be widespread; there would have to be an analogy among the various specialized tasks so that every worker could understand all of them; the coordinating process would have to be simple enough to be understood by all. The community would have to be small, so that its nature and requirements could be understood by everyone, and so that the common interest would be obvious enough to override the temptation to rivalries.

In this utopia, there can be no privileges based on monopolies of knowledge because specialized knowledge is shared by all. There can be no privileges based on the performance of the coordinating function because this function, like knowledge, is shared by all. Simone Weil's particular repugnance for what she felt to be the mentally stultifying effect of performing a limited, specialized task without knowledge of the total productive process is removed by the enlargement of the knowledge and perspective of the worker. In

[33] The utopia and its conditions are described in *ibid.*, pp. 130–32; the quotation is on pp. 131–32.

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such a society, Simone Weil believed, external constraint would be replaced by self-discipline.

The Rousseauian inspiration of this utopia is evident, but if the style of reasoning is Rousseauian, the utopia envisaged is far more "utopian" than the system produced by Rousseau. Simone Weil's utopia extends the principle of the general will to all the detailed regulations of economic life with which Rousseau was not concerned, partly because the economy of his day was far less complex than is that of the twentieth century, but mainly because he was more interested in producing uniform rules of law than he was in detailed questions of public or private administration. Simone Weil's scheme creates far more mutual dependence among men than Rousseau envisaged; not only governmental acts (which Rousseau permitted a particular group to exercise) but also private acts must proceed from a consideration of their effects upon everyone. Each act is personal and separate from those of other persons, although coordinated with them. Even though Rousseau is ambiguous on the matter of whether there is communication among the citizens in his system, he at least envisioned assemblies; in Simone Weil's system, there are none. She envisioned the kind of society which Rousseau thought was for gods and not for men.

Simone Weil's system differs from Rousseau's in other ways as well. Rousseau allowed for men to be deceived; Simone Weil allows for no mistakes. There is in Rousseau the possibility of man's learning by experience; in Simone Weil's system, one error wrecks the society. The kind of interdependence which Simone Weil conceived takes as given the mutual understanding of the requirements of social life which Rousseau allowed time to produce. Simone Weil's scheme requires the universal application of pure reason, while Rousseau's assumed in addition to the application of reason a kind of mutual sympathy among the citizens as a whole which would inform their reason. Simone Weil's scheme represents a perfect functional harmony, Rousseau's a perfect moral harmony. Rousseau's social contract is the democratization of Hobbes' contract; Simone Weil's utopia is the democratization of Plato's philosopher king.[34]

[34] The conditions of the utopia also overcome a problem which Simone Weil did not discuss in her early writings, but which she did discuss just

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IV. *Social Reform and the Conditions of Existence*

Simone Weil did not, of course, offer her utopia as a description of any society which existed or ever would exist; it is purely an ideal. She thought, however, that her utopian ideal would be useful as the basis for the analysis of real social systems. The critical variable in her proposed comparative method is the relation between thought and action, or the existence of liberty. Social systems would be analyzed from the viewpoint of the extent to which they require or permit the exercise of methodical thought by the citizens and the range of activities which the exercise of thought controls. Any comparative analysis based on graduations in proximity to the ideal would be difficult and complex, but the focus of examination would be the extent to which men are self-determining within the framework of any given social system.

In the effort to designate the main factors which affect men's opportunities for self-determination, and hence which are critical points of application of the analysis, Simone Weil singled out the nature of their work, the nature and extent of their political participation (directly through the exercise of the coordinating functions or indirectly through control of the coordinators), and the extent to which they are dependent upon others for their livelihood and for their physical security. Combining these factors, she concluded that "the least bad society is one in which the common man is most often obliged to think while acting, has the greatest possibilities of exercising control over the whole life of the community and possesses the most independence." [35]

But Simone Weil was not only interested in analyzing and classifying societies, she was also interested in changing them. We have seen how she emphasized the necessity for all proposals for reform to be compatible with the conditions of

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before her death, in "Y a-t-il une doctrine marxiste," *op. cit.* This is the problem of particular wills or of group morality. Rousseau tried to solve it by his construction of the general will and by his enigmatic references to associations. Marx tried to solve it by changing the property system. Simone Weil tries to solve it by ending the division of labor on which particular interests rest.

[35] *Oppression et Liberté, op. cit.*, p. 136.

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existence. Yet her application of this principle involves, for the most part, extreme cases. She argued, for example, that an advanced, machine-age society cannot return to primitive forms of economic organization because it is so dependent upon its machines that it has lost the direct familiarity with nature which would enable it to survive without them. She argued also that even if a society could overcome this economic difficulty, to abolish the functions which produce oppression would simply put it at the mercy of a society which did not, with the result that oppression would be imposed by an outside power. These considerations imply so literal an effort to establish the conditions of the utopian society that they are irrelevant to the problems of politics. The real problem of social reform, even if it be inspired by a utopian conception, is how to make marginal changes in social and political organization which will enlarge freedom. Simone Weil only touched briefly on this problem, but what she did say about it does not necessarily lead to the generally pessimistic conclusions she drew from her analysis of contemporary life and her projections of the future.

Simone Weil knew that not all the conditions of existence were beyond men's power of choice. The natural environment and the existence of other groups are given, but the organization and methods which men utilize to deal with nature and other groups are matters over which men have at least some control. It is necessary to distinguish between a condition of existence which places an insurmountable barrier before an effort at social or political reform and one which can itself be altered as an element of reform. Simone Weil seems to have believed that no change in economic organization would be acceptable if it did not at least maintain the level of productivity of the existing one.[36] It has been possible to remedy some (but not all) of the factory conditions with which Simone Weil was so directly concerned, while raising the level of productivity. Similarly, while the state may be more than ever necessary as a general coordinating agency, there is more than one way to organize a state. Simone Weil approved heartily of decentralization, but she believed that no centralized power ever decentralized of

[36] *Ibid.*, pp. 266–67.

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its own volition, and that the centralizing tendencies of a civilization marked by rivalry, conflict and war were too powerful to be overcome. This centralizing tendency is real, but the experience of western societies indicates that decentralizing devices of various kinds are a condition of the successful performance of the state's coordinating function.

Actually, Simone Weil's analysis admits such possibilities. It does not deny that men can enlarge their freedom; it holds only that all of freedom's conditions cannot be maximized simultaneously in an industrial society and in a competitive world. Simone Weil herself thought that some optimum point of equilibrium might be reached,[37] but as this would necessarily be a theoretical point for any dynamic society, her view implies the constant pursuit of freedom through adjustment of the conditions in which men live. In a fashion which we do not generally associate with builders of utopias, Simone Weil produced a theory which points more to the difficulties of enlarging human freedom than it does to any halcyon society in which men would be freed of all limitations on their capacity for self-determination.

V. *Conclusions*

Simone Weil's theory has several implications for contemporary politics and political science. In the first place, it demonstrates that the construction of a utopia is not necessarily a radical act. A utopia implies the desirability of a different order, but if it is tested against a sociology which reasonably represents the conditions of society it can illuminate the risks of certain attempts at social change and demonstrate the impossibility of pursuing a given goal indefinitely without creating conditions worse than those already existing. Simone Weil's utopia was an ideal representation of a society in which men are fully self-determining by virtue of their reason alone. Yet the whole bent of her sociological analysis was to emphasize the obstacles in the way of approximating the ideal goal, in part because she dealt with extreme cases, in part because she ignored purely political arrangements—such as the suffrage—as an instrument for promoting liberty. But we do not need to accept

[37] *Ibid.*, p. 136.

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all her conclusions to value the analytical method by which she reached them. The notion that proposed social goals must be analyzed against the conditions of existence in order to determine their probable consequences is fundamentally sound. Simone Weil held this notion because she wanted to avoid choices between "capitulation and adventure." [38] This suggests a quest for greater certainty than is likely to be attained in human affairs, and, in the absence of certainty, Simone Weil tended to treat the conditions of existence more as prohibitions on social reform than as social institutions themselves susceptible of being reformed. But even if the balance had been the other way, adherence to her central scheme of social analysis would have both kept alive the inspiration for reform and served as a guard against unwarranted social risks.

A second set of implications that follows from Simone Weil's theory is institutional. The only general recommendation she made for legitimizing subordination—by introducing the subordinate to an understanding of why he should obey—was relatively modest, but here again, the particular form of Simone Weil's own recommendations is less important than the conclusions to which her theory leads. The kind of control over the life of the community which her theory prescribes for the common man calls for devices to require that power-holders justify their decisions, institutions to permit popular control over the power-holders and methods by which the common man can participate in decision-making himself. Simone Weil was not an ideologist (in the sense of someone who argues on the basis of clichés), but these institutional implications of her theory include practices which are historically associated with democracy. Her theory calls for a larger application of these practices, functionally, vertically and horizontally,[39] than any democratic system presently enjoys, but it is not a distortion of her theory to say that it presents a non-ideological argument in favor of the practices of democracy.

[38] *Ibid.*, p. 86.

[39] That is, the individual should participate in determining the activities of the functional groups to which he belongs, his decisions should affect operations at all levels of the hierarchies in which he is placed, and the range of his decisions should be as broad as possible.

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Lastly, Simone Weil's suggestion that her concept of liberty be used as the variable for the analysis and comparison of political systems presents an interesting challenge to comparative government. To the extent that liberty is regarded as a value, its use would imply an evaluation, and the mode of analysis would have the virtue of emphasizing what is most important about a political system: its consequences. But the use of Simone Weil's concept of liberty as a comparative variable does not require its application as a criterion of evaluation. Simone Weil defined liberty as a relation between thought and action; in this respect it may be regarded simply as a functional category, a way in which social functions are performed.

The utility of Simone Weil's concept of liberty both as a criterion of evaluation and as a functional category for comparison parallels the whole structure of her thought. She conceived a utopia, but she knew that pure utopianism could be either idle or dangerous. She constructed a functional sociology, but pure functionalism tends to legitimize any method of performance of a necessary social function.[40] Simone Weil combined functional social analysis with a utopian ideal in the effort to find a way of performing essential social functions that would enlarge the possibility of the individual to determine the conditions in which he lives. Only a fool would say that this is easy; functional sociology demonstrates how difficult it is. Without a utopian conception to inspire the task it would be impossible.

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[40] I apply here the reasoning that C. Wright Mills applied to what he called "grand theory," in *The Sociological Imagination* (New York, 1959), pp. 48–9, n. 19.

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THE COLONIAL DEFENCE COMMITTEE AND IMPERIAL COLLABORATION: 1885–1904

I

WHEN the British government finally withdrew their military forces from the self-governing colonies in 1870–71, they had completed one more phase in the emancipation of Britain from the burdens of empire. The adoption of free trade ended the restrictions on British commerce. The extension of responsible government to many colonies relieved British officials of the harassments of their internal administration. Now, with the "withdrawal of the legions," Britain was in a position to shape and maintain a real army, rather than simply an "aggregate of battalions" scattered around the globe, and to see that the costs of internal policing and frontier tribal warfare in the self-governing colonies were placed where they properly belonged, on the taxpayers of those colonies.

With the withdrawal of the imperial garrisons, however, the colonies entered upon a period of laissez-faire in their defense arrangements. This condition of neglect proved far from salutary, and it became essential for the imperial government to bring some order and coherence to colonial defense plans. This it eventually did through the work of the Colonial Defence Committee, which for some fifteen years was the principal arm of the imperial government in a sustained and continuing effort, within the limits of responsible government in the colonies, to improve the defensive posture of the imperial estate.

The British troops which had been stationed in the various colonies had acted as cadres on which the colonial militia forces were modelled. With their departure, colonial governments were left with neither models nor military advisers. Aside from advice from officers of the Royal Navy stationed in adjacent waters, or the service of military officers requested and seconded from the War Office, each colonial government was left to its own devices and went its

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own way in making, or not making, efforts for its own defense.

Of course, the brooding power and presence of the Royal Navy hovered over all, but that this was not sufficiently reassuring was evident from the outcries of alarm heard from various parts of the empire in the midst of the 1878–79 Russian war scare. Aroused by this clamor, the Colonial Secretary appointed a special committee "to inquire and report as to the defences of the more important colonial ports." The members of the committee made a hasty survey of a number of these ports and of the available pieces of artillery in Britain which might be despatched for their defenses. They reported that there were some thirty-five or forty suitable guns, recommended spending about £265,000 on the defenses of the ports, and then, with the passing of the war scare, disbanded.[1]

It was in part because of the war scare of 1878, however, that Sir Michael Hicks-Beach moved for the creation of a Royal Commission to enquire into the protection of British possessions and commerce abroad, and to make a general survey of the problems and tasks of imperial defense. Lord Carnarvon, former Secretary of State for the Colonies, chaired the Commission. It is perhaps evidential of the non-military character of the British empire of the period that the Commission had to depend, for the collection of much of the data it required, upon officers of itinerant vessels of the Royal Navy. Several colonial governments simply did not have the information needed nor the officers competent to collect it. Nevertheless the Carnarvon Commission made several recommendations, and it was one of these recommendations that led to the formation of the Colonial Defence Committee.

The Commission had suggested that the small garrisons of imperial troops stationed in the Barbados be withdrawn. But Robert Meade, Assistant Undersecretary of the Colonial Office, was concerned lest the withdrawal of these forces lead the local government and people to misguided efforts in the fortifying of their ports. They needed guidance in any such work, and the Colonial Office was not equipped to furnish

[1] Public Record Office (London), CAB 7/1, material in jacket 35-E.

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it. In a minute of April 14, 1885, he commented: "We can scarcely deal here satisfactorily with questions of this kind, and to refer by ordinary correspondence to the W.O. and the Admiralty will be a long and unsatisfactory affair." [2] He consulted with Sir Robert Herbert, the Permanent Undersecretary of the Colonial Office, and with various military and naval officers, and there was agreement that it would be a good idea to establish a small standing committee of the Colonial Office to which matters of colonial defense arrangements could be referred. The Colonial Defence Committee, thus approved, met for the first time on April 22, 1885. The business at hand was to discuss proposals of the imperial officer commanding the forces in the West Indies concerning the future defense of the Barbados.

II

The moving spirit in the creation of the Colonial Defence Committee, Robert Meade, was about mid-term in his Colonial Office career in 1885. He had entered that department with Lord Granville's tour of duty there, and remained in the Colonial Office for the rest of his life. At the time of his death in 1898 he was Permanent Undersecretary, and his span of service covered thirty years from the easygoing days of Granville to the more strenuous time of Joseph Chamberlain. Meade was a man of great charm and tact, although the habits and outlook of the earlier years clung too tenaciously for him to be altogether happy in the bustling atmosphere of Chamberlain's day.

In addition to Meade, the Committee's initial membership included some who had been associated with the two earlier groups concerned with colonial defense: the *ad hoc* committee of 1878 and the Carnarvon Commission. Its first chairman, despite the Colonial Office origin of the group, was a military man, Sir Andrew Clarke, the Inspector-General of Fortifications. And within three months of its establishment, the Committee profited from the appointment of Captain George S. Clarke as its secretary.

Clarke, later Lord Sydenham, who shared with men like Viscount Esher the distinction of being among the major

[2] PRO, CAB 8/1/1.

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"back room boys" of British defense planning before World War I, has been called "the first of that line of expert secretaries to committees of defence who in due course were to leave a mark on British constitutional practice." [3] Despite his military background, he was an avid supporter of naval power and of the ideas of Admiral John Fisher, and often sought to confute naval heresies by letters to the press generally signed "Navalis." Later, he became the first secretary of the Committee of Imperial Defence. There he fell out with Fisher, who wished that a way might be found to send him to die of yellow fever as Governor of some West Indian island.[4] As things worked out, he was relegated to the Governorship of Bombay. But there can be little doubt that Clarke left the mark of his strategical concepts on the work and the traditions of the Committee.

III

One of the first and most imperative needs of the Committee was to collect accurate information about the state of defense of the various colonies. No regular collection of such material had been made in the past. Reports had occasionally been forwarded to the Colonial Office by imperial officers seconded to colonial governments, and a good deal of information had been compiled by the Carnarvon Commission. But the reports of imperial officers were sporadic, and the Commission's information was rapidly becoming out of date. During the early 1880's, when Admiral Sir George Tryon had been in command of the Australian station of the Royal Navy, he had forwarded reports on the condition of the shore defenses of some of the colonies there, and the minute of the official who received Tryon's report noted that this was the first authentic information which the Admiralty had obtained on such defenses.[5] The Committee circulated a request to colonial governments in August, 1885, asking for reports from colonial authorities on local floating de-

[3] John Ehrman, *Cabinet Government and War, 1890–1940* (Cambridge, 1958), p. 10.

[4] Arthur J. Marder, *Fear God and Dread Nought* (London, 1956), II, 83.

[5] PRO, Admiralty (Adm.) 1/67 #3.

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fenses, the number of submarine mines in store, the amount of electric cable available for mining operations, the reserves of telegraph wire in the colony, and the number of troops in the colony, both colonial and imperial, if there were any of the latter. It also sought information about the reserves of small arms, the munitions supply, existing fortifications, and the number of artillery pieces.[6]

Another early memorandum of the Committee was designed to guide colonial governors in preparations to be made during a period when the outbreak of war might seem likely. The Committee stressed the point that since conditions varied so greatly from colony to colony, only advice of a most general nature could be given. But the governors were warned that any break in the cable connections of the colony at a time of political tension should be taken as a probable indication of the outbreak of hostilities. The memorandum went on to deal with the general nature of any landing operations which might be directed against a colony. It emphasized the importance of making secure any cable landing sites and submarine mines in colonial harbors. Also, steps should be taken to see that no lights, buoys, or beacons were left to be useful to a possible foe. The Committee also attempted to inform the governors as to the likely effects of any bombardment which might be directed against colonial ports. And advice was given concerning the disposition of supplies of food, coal and specie, so as to deny them to an enemy.

The fear among members of the Committee that one of the colonies might be subject to surprise attack was expressed again in a warning memo which stated that between 1700 and 1883 there had been 107 instances in which either a European nation or the United States had commenced hostilities without a declaration of war.[7] In the light of this record the Committee sternly cautioned the colonial authorities against permitting more than two foreign warships into a colonial harbor at one time, and it urged that no more

[6] PRO, CAB 8/1/1. CDC #16, August 12, 1885.

[7] *Ibid.*, CDC #19, November 1, 1886. This memorandum was apparently prepared by George Clarke. Lord Sydenham of Combe, *My Working Life* (London, 1927), p. 71.

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than one transport laden with troops should ever be allowed.[8]

In the long run, of course, the collecting of information and the securing of colonial ports against surprise attacks depended on effective colonial action. Colonial governors were urged to appoint local defense committees charged with the duty of preparing defense plans, and to see that the plans so prepared were forwarded to the Committee in London for scrutiny and criticism. By October of 1891 some nineteen colonial governments had prepared such schemes and sent them along for examination and comment. It is perhaps a tribute to the state of Canadian-American relations that Canada was not among them, and that indeed it was the most laggard of the colonial governments in making such preparations. This greatly disturbed the Committee. The sudden squall over the Venezuelan boundary dispute in December of 1895 brought out clearly that "Canada, alone of the many parts which make up the British Empire, is absolutely without any organization for utilizing its splendid personnel in war."[9] The Committee reminded the Dominion government that in the event of war with the United States, some time would elapse before any effective aid could be carried to them from the United Kingdom; and that during this time Canadians would be on their own. But it was not until the powerful exhortations of Colonial Secretary Joseph Chamberlain had been added to the requests of the Committee that the Canadian government finally asked for the assistance of a group of imperial officers in the formulation of defense plans.[10]

IV

By October, 1891, the Colonial Defence Committee reported that it had held fifty-eight meetings, at which it had considered some 470 items. The members had examined

[8] This warning seems to have been prompted by the recent landing and exercising of German troops on the Danish island of St. Croix. The Danish governor had had no means of resisting the German officer's request for permission to land, and had reluctantly given his assent. PRO, CAB 8/1/1, CDC #26, October 19, 1886.

[9] PRO, CAB 8/1/2, CDC #59.

[10] PRO, CAB 8/2/1, CDC #147.

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the defenses of thirty-seven colonies, and formulated remarks on some forty schemes of local defense which had been submitted to it. It had prepared memoranda on about forty general aspects of colonial defense; it had made suggestions or recommendations of a lesser character in about 150 instances.[11] This summary of the Committee's labors may have been prompted by the threat to reorganize it which had been made by Edward Stanhope, Secretary of State for War. That gentleman, whose time at the War Office is perhaps best remembered for the ring of forts which he had placed around London, proposed in effect that the Committee be abolished, and that there be put in its stead a committee of the highest officers of the Admiralty and War Office.[12]

Undoubtedly, there would have been advantages in the creation of such a high level committee to deal with defense problems. The Colonial Defence Committee was, after all, essentially little more than a departmental committee, and of a department not yet highly placed in the pecking order of British officialdom. Its roster of members included no names of men with the highest military or naval ranks; there was nothing about it to suggest an embryonic general staff. Further, the range of its consideration was limited; it was concerned only with matters of colonial defense. But the Colonial Office found its work indispensable. Lord Knutsford, the Colonial Secretary, resisted any proposal for change, and said that if the War Office attempted to withdraw from its participation in the work of the Committee, there were enough competent officers in retirement to see that the work of the Committee was effectively continued.[13]

It was not until the Committee had been in existence for about ten years that it ventured to draw up a statement of principles governing colonial—and imperial—defense. During those years, however, the air had been filled with such statements from others. The principles of sea defense in particular had been defined in the writings of Britain's Ad-

[11] PRO, CAB 8/1/1, CDC #41, December 28, 1891.

[12] Lord Sydenham of Combe, *op. cit.*, pp. 116–117.

[13] PRO, CAB 17/93, Colonial Office (CO) to War Office (WO), December 21, 1891.

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miral Philip Colomb,[14] and even more notably in the utterances of Mahan. Now the Committee was called upon by the Colonial Office to prepare a memorandum as a means of educating colonial public opinion in sound principles of defense. The memorandum was to be confidential rather than secret, so that it might have restricted circulation among colonial leaders and molders of thought.

In response to this request, the Committee issued its Memorandum 57M. That this was more than simply a Colonial Office pronouncement is suggested by the fact that the memorandum was quoted extensively by the Duke of Devonshire, Lord President of the Council and Chairman of the Cabinet Committee of Defence, in a speech at the Guildhall on December 3, 1896. The emphasis of the memorandum naturally bore upon the importance of sea supremacy and its maintenance.

> The maintenance of sea supremacy has been assumed as the basis of the system of Imperial defence against attack from over the sea. This is the determining factor in shaping the whole defensive policy of the Empire, and is fully recognized by the Admiralty, who have accepted the responsibility of protecting all British territory abroad against organized invasion from the sea. To fulfill this great charge, they claim the absolute power of disposing of their forces in the manner they consider most certain to secure success, and object to limit the action of any part of them to the immediate neighbourhood of places which they consider to be more effectively protected by operations at a distance. . . .

The memorandum also touched upon the role which the self-governing colonies might take in imperial defense.

> Doubtless a time will come when the increasing strength and resources of the self-governing Colonies will enable them to materially assist the mother-country, by placing at their disposal for operations in any quarter of the globe bodies of troops formed from the excellent material of strong, self-reliant Colonists, but at present the development of their own vast territories in time of peace, and the effective protection of them in time of war is undoubtedly the best contribution the Colonies can offer to Imperial defence. To

[14] Admiral Colomb's chief works on the theory of naval warfare were *Naval Warfare* (London, 1891) and *Essays on Naval Defence* (London, 1893).

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> this, however, there is an important exception. England may be engaged in the future, as she has frequently been in the past, in a war which carries with it no danger of attack on the Colonies. In such a case, the offer of assistance from them would be prized, not only for its real value, but also as evidence of that real solidarity on which the greatness of the British Empire must ultimately rest.[15]

In the high noon of British imperialism in the nineties, it was natural enough that the "strong, self-reliant" colonies might be envisioned as moving from their defensive and passive contribution to imperial defense (through the guarding of their own shores and ports) toward the assumption of a larger role in the wars of empire. This was part of the conventional imperial rhetoric of the age of imperial federation. But there was then little in the way of tangible evidence of any great willingness in the colonies to enter into this aspect of their imperial inheritance. It is true that some forces from New South Wales had served in a phase of the 1885 campaign in the Sudan, and that the Australasian colonies had undertaken to provide a small subsidy for British naval forces in their waters. Those colonies had exacted a price for this subsidy, however, by securing an agreement that the ships so supported would not be moved from their waters without their agreement.

But with the rush of colonial volunteers to assist Britain in the South African war, a new era seemed to have begun. The colonial contingents which went to Africa from Canada, Australia and New Zealand were indeed prized not only for the real assistance they rendered on the battlefield, but as evidence of the solidarity of empire at a time when it was sorely beset. This evidence of the imperial loyalty of the senior colonies, set beside the less happy testimony of British military ineptitude in the conduct of the war, made it increasingly apparent to many that the military affairs of the empire had better be taken in hand. As Lord Rosebery and others said, after the war was over the affairs of the empire would have to be put on a business footing.[16]

To a large extent, that was exactly what the Colonial De-

[15] PRO, CAB 8/1/2, CDC #57M.

[16] *The Times* (London), January 24, 1900.

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fence Committee had been trying to do for years. Collecting information about colonial defenses, encouraging colonies to give thought to their defenses, trying to assist in such thought to see that the colonial planners kept their measures and expenses commensurate with the degree of menace they might expect to confront, seeking some uniformity in military organization, all might be regarded simply as an attempt to organize the defense of the colonies in a business-like way.

V

The experience of the South African war seemed to open up new vistas of imperial cooperation and to create opportunities which might have enlarged the role and duties of the Committee. But however challenging the possibilities of sharing with the colonies some of the burdens of the "weary Titan staggering under the too vast orb of its fate" (as Chamberlain misquoted Matthew Arnold), they paled in comparison with the need to put order into Britain's own structure of defense. The heart of empire had to be cared for before attention could be paid to the greater use of the limbs. War Office reorganization took priority over attempts in the larger field of ordering the affairs of an empire. The activities of Lord Esher's famous War Office Reconstruction Committee, supported by the massive reports of the Royal Commission on the South African War, and by the report of the Royal Commission on Militia and Volunteers, together with the creation by Prime Minister Balfour of the Committee of Imperial Defence before any of the above reports appeared, all tended to downgrade the importance of imperial reorganization, the field in which the Colonial Defence Committee was expert.

Further, the very participation of some of the colonies in the wars of empire, and the expectation expressed in Memorandum 57M of the Committee, tended to make it difficult if not impossible for the Committee to function as it had in the past. The new circumstances of imperial collaboration raised questions of a political character, with which the Committee was simply not equipped to cope, for they were issues which could be resolved only on the highest political level.

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Two such problems, which emerged in the years between the South African war and the outbreak of World War I, went to the very heart of the problem of the organization of the manpower and resources of the colonial empire for war. They were the problem of command of the Canadian militia, and the problem of the Australian demand for a quasi-independent naval establishment.

Such difficulties were bound to emerge from the circumstances of growing colonial maturity and from their traditions of self-government. If Britain were to have any use of colonial forces in future wars, it could only be with the consent of the colonial governments. Yet this was a fact which some members of British officialdom found hard to accept. Winston Churchill, for example, both as Colonial Undersecretary and as First Lord of the Admiralty, found great difficulty in adjusting to the idea that collaboration from the colonies would depend upon arrangements agreeable to the colonial governments. And while there was ample evidence from the South African war of a great reservoir of imperial loyalty in many parts of the empire, the same war made the colonial governments the more inclined to put more emphasis on their own defenses. This tendency arose not only from the indications of British military folly during the war, but also from the feeling of various colonial military officers who served in the war that even with that experience their chances of professional advancement and recognition were small.

The failure of the British to capture Christian de Wet and the leaders of other Boer guerrilla bands, plus the flow of revelations of British military stupidity from the investigation of the Esher Commission, all tended to keep alive the memory of the "Black Week" and other defeats of the war. Sir George Clarke, writing from his post as Governor of the Australian state of Victoria, told Balfour that the effect of the revelations had been "deplorable," and said that the imperfections of the War Office were a potent source of imperial disintegration.[17]

As for the feeling of colonial officers, Canadian Governor-General Lord Minto, in Ottawa, reported on a lengthy con-

[17] British Museum, Balfour MSS, Add. MSS 49710, Clarke to Balfour, August 31, 1903.

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versation with Col. William Otter, an officer of the Canadian forces and commander of the first contingent of Canadian volunteers sent to South Africa. Otter told the Governor-General that in the ranks of the Canadian permanent forces and in the militia also there had appeared and grown a disagreeable tone of sneering at imperial officers and military administration. Otter ascribed this to the feeling of frustration and disappointment on the part of Canadian officers that their war service in South Africa had not opened any further professional opportunities to them. Having served the Crown and listened to ideas of imperial unity, they were now back in the hopeless dead-end routine of Canadian military life. Even the Canadian contingent sent to the coronation of Edward VII was commanded by an officer who had never seen any active service.[18] And even in their own service, the highest military rank was denied to Canadians, for the post of General Officer Commanding the Militia was limited under existing law to an imperial officer seconded from the British army.

Certainly to any conscientious imperial officer this post must have been one of the most frustrating and difficult in the entire imperial military structure. The basic difficulty, as Prime Minister Laurier said, was that he was essentially a stranger, and the Canadian militia, a force of citizen soldiery, was, as all such bodies are likely to be, rooted in the life and politics of the state. Politics and patronage played a necessary role in securing parliamentary support for a military force from the legislators of an overwhelmingly unmilitary people, but the British officers commanding the militia showed little appreciation of this. Two of them, Major-General Edward Hutton and Lord Dundonald, the latter following fairly rapidly on the heels of the former in the post, offended in their disregard of this unpleasant reality, and compounded their offenses by a notable tendency to ignore the limitations of their office and to appeal to the opinion of the populace over the head of the Minister of Militia in the Laurier government.

For the most part, imperial authorities, including even

[18] PRO, CO 42/892, Minto to CO, May 28, 1903; Frank H. Underhill, "Lord Minto on His Governor-Generalship," *Canadian Historical Review*, XL (June, 1959), 124.

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the Colonial Defence Committee, were not greatly concerned over the state of the various colonial military forces. The basic defense and shield of empire was, after all, the Royal Navy. Any prospective military cooperation from the colonies could be organized behind its protective power. But Canada was a different case, for there the shield of the Royal Navy could not cover Canada against the dangers of a possible American attack. Canadian defense, even with all possible British assistance, would depend largely on the Canadians, and British officers found little to approve and much to condemn in the state of Canadian military preparations. Yet there was very little that Britain could do to correct it.

Sir John Anderson of the Colonial Office went into further detail about the hapless job of the British commander of the Canadian militia. He was, Anderson pointed out, powerless without the support of his political head and of Parliament. If he complained to the War Office, the British government could not use the complaint as the basis of criticism of the Canadian forces without revealing him to be guilty of insubordination. If he sought to educate Canadian opinion, without the consent of the minister, he was equally guilty. Those in Britain had no means of letting the Canadian public know how wrong and rotten things were with their militia force, save through complaints to a minister who might himself be the cause of the mischief. Anderson felt that perhaps the best arrangement which could be made would be to have an annual inspection of the Canadian force by a British officer. If Britain could publish his report, it would get to the Canadian public. This might produce better results than the existing conditions, and at the same time let the Canadians have their own military commandant. Colonial Secretary Chamberlain also thought that Britain would have to find some way of informing the Canadians of the unsatisfactory nature of their defense arrangements. The Canadian electorate were simply not educated to the necessities of the situation, and were not inclined to pay much for defense. The politicians had no courage and would not tell the people what their duty was.[19]

[19] CO 42/895. These comments were appended to a report from Lord Dundonald to the War Office, March 6, 1903, forwarded by the Director-General of Military Intelligence to the Colonial Office, May 4, 1903. The

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With this general Colonial Office agreement about the hopelessness of the Canadian situation, there was little that other Imperial authorities and the Defence Committee could do. Despite the pleas of Lord Minto, who felt that his advice had been disregarded by them,[20] London officialdom made no objection to a revision of the Canadian Militia Act to allow the command of the force to go to a Canadian officer. This reform never actually went into effect, however, for shortly afterwards the Canadian government replaced the position of General Officer Commanding with a Militia Council. The power of the civil minister was made clear, and the ambiguities inherent in the old system of command were resolved. The heart of the problem lay in the divided loyalties implicit in the office of General Officer Commanding Militia; to abolish the office was to dispose of the problem.

Certainly the placing of the command of the Canadian militia in the hands of a succession of British officers had not been a success. The new arrangement was superior; and the lines of collaboration between Britain and Canada were further strengthened during these same years by the transfer of the responsibility for the land defense of the naval base at Halifax to Canada and Canadian forces.

The Colonial Defence Committee played little part in the creation of these new arrangements. In Memorandum 306M it had made suggestions concerning the command of the Canadian militia. It accepted the necessity of placing the command in the hands of Canadian officers, but hoped that the Imperial Officer commanding the imperial garrison at Halifax might have some general surveillance. Failing this, it hoped that there might be periodic inspections of the Canadian force by high-ranking British officers. But the activities and suggestions of the Colonial Defence Committee were essentially peripheral to the decisions which were made elsewhere and at a higher level of political authority, although in general the Committee's suggestions shared the

Canadian situation was not unique; cf. complaints of Lord Glasgow, Governor of New Zealand, concerning his powerlessness to effect improvement in the state of the militia of that country. British Museum, Ripon MSS, Add. MSS 43560, Glasgow to Ripon, August 9, 1894.

20 Underhill, *op. cit.*, p. 129.

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"if you can't beat 'em, join 'em" character of most British reaction to the demands of the Canadians.

VI

Less of this indulgent attitude was apparent, however, toward the other issue raised by the fervors of colonial nationalism: the demand of successive Australian governments for a naval establishment. Here there was less of a tendency towards compromise than in the Canadian command issue, for the matter concerned the very basis of the defense of empire: the effective use of sea-power.

A strong trend in Australia towards heresy in regard to sea-power had shown itself quite early in the history of the colonies there. Australian colonies had been the only ones to take advantage of the Colonial Naval Defence Act of 1865, which had authorized colonies to commission ships of war and employ naval personnel. The Australian colonies, with New Zealand, had signed the agreement with the United Kingdom by which they subsidized in part the maintenance of more vessels of the Royal Navy on the Australian station than the Admiralty felt were strictly warranted by purely naval considerations. This agreement, given final form at the 1887 Colonial Conference, was renewed ten years later in 1897. But it contained the promise of the Admiralty that the vessels so subsidized were not to be removed from the waters of the station without the consent of the various governments involved, a clause which grew increasingly irritating to the Admiralty and was eventually discarded in the further renewal of the agreement in 1902. The terms of this new agreement were distasteful to many in the new Australian Commonwealth, and a mounting agitation there, much of it led by Alfred Deakin, several times Prime Minister, demanded the creation of some form of Australian naval establishment.

The Admiralty, the Colonial Office, and the Colonial Defence Committee all regarded this agitation and Deakin's efforts to find some arrangement under which Australian demands might reasonably be met with increasing distaste. Defense of land frontiers, as in the case of Canada, was one thing; such defense was obviously local in character. But

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the sea was another matter. Here there were no frontiers; strategy demanded the utmost concentration of force in the decisive area. Any dispersal of force was simply an invitation to defeat. Deakin's suggestions, importunities, pleas and recommendations grew ever more wearisome. Undoubtedly he was a thorn in the Colonial Office flesh. When C. P. Lucas suggested that a dispatch be sent to Deakin explaining the impropriety of his invitation to the American fleet to visit Australia, Lord Elgin, apparently in a mood of infinite weariness, commented, "It is useless to explain to Mr. Deakin." [21] And so it must have seemed to the Colonial Defence Committee as well. Deakin and most other Australians with whom the Committee had to deal seemed to be blind to strategic truth, and impervious to the Committee's best logic in elucidation of the doctrine of the essential oneness of sea power and the wastefulness of any program like that envisioned by Deakin. Even when the views of the Colonial Defence Committee were clothed with the more impressive authority of the Committee of Imperial Defence, they failed to deter the Australians.

Yet despite the adherence of both of these committees to the canons of strategic orthodoxy, there was a growing acceptance among British political leaders of the idea that any Australian collaboration for imperial defense would have to be arranged on terms agreeable to that commonwealth. Alfred Lyttleton, Secretary of State for the Colonies, minuted a dispatch from the Governor-General of Australia, concerning the naval defense of Australia, with a statement of his own disbelief in a policy which sought money contributions from a reluctant Australia. Some other arrangement, he felt, was to be preferred.[22] And at the seventy-fifth meeting of the Committee of Imperial Defence, Austen Chamberlain, then Chancellor of the Exchequer, in a discussion of the defense of Canada, said he looked forward to the day when the great self-governing colonies would have navies of their own, which, although not under Imperial control, would be available for service with the British fleet in any great naval war. He knew that such ideas were op-

21 PRO CO 4/8/60, April 4, 1908.

22 PRO, CO 418/37. Lord Northcote to Colonial Office, August 29, 1905.

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posed by the Admiralty. But it must be realized that colonies would not be content simply to contribute sums of money as long as they exercised no control over the expenditure. If a colony were to secure a sea-going force, public opinion would make it impossible for it to remain inactive in home waters while the fate of the empire was at stake elsewhere. Prime Minister Balfour agreed with Chamberlain's statement.[23] And the Admiralty was gradually brought to the acceptance of the need for collaboration rather than simple denial of Deakin's demands. Lord Tweedmouth, First Lord of the Admiralty in the Campbell-Bannerman cabinet, told the Committee of Imperial Defence that while there were many objections to colonial naval forces, there was a political aspect to the question that had to be reckoned with.[24] Sir George Clarke, a staunch defender of the purity of naval doctrine, was distressed by this *volte face,* which he feared would place Britain in a very embarrassing position.[25] But as in the case of the Canadian militia, the United Kingdom authorities had to come to terms with dominion nationalism, and specifically in this instance to agree to the principle of quasi-independent dominion naval forces, however troublesome might be the problems created by that policy.

VII

The fact that, in such instances as these, settlement of irritations arising between Britain and the major colonies had to be reached primarily on the political level, indicates one important limitation of the Colonial Defence Committee. It was, after all, a group of technicians, brought together to give advice to colonial governments and the Colonial Office in matters beyond the competence of the civilian officials. But when the defense of empire became a matter for statesmen rather than experts, any such committee was naturally forced into a back seat.

In the Committee of Imperial Defence, however, where

[23] PRO, WO 106/40/B1–4.

[24] PRO, CAB 2/2/1, 88th meeting of the CID, May 25, 1906.

[25] British Museum, Campbell-Bannerman MSS, Add. MSS. 41213, Clarke to Campbell-Bannerman, April 23, 1907.

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statesmen and military experts met in a systematic manner never before attained in British government, the older committee still had useful work to do. The Colonial Office continued to oppose any loss of its services. Sir Montagu Ommaney, Permanent Undersecretary, said that the office did not wish to see the old committee absorbed by the newer creation, and argued that it could not really be regarded as a sub-committee of the Committee of Imperial Defence, since its membership was not drawn from the latter body, and it was still essentially an agency of the Colonial Office.[26]

But H. O. Arnold-Foster, Secretary of State for War, had already had a clash with the Colonial Defence Committee which suggested strongly the advisability of the assimilation of the two bodies. He protested that a decision to reduce the garrison of imperial forces stationed in the West Indies, agreed upon by the Committee of Imperial Defence and the Cabinet, had been hung up awaiting the opinion of the Colonial Defence Committee. He was quite unable to understand what authority the latter had; its interference was unwarrantable and undesirable. Nor did the opinion of General James Grierson, Director of Military Operations, that the Colonial Defence Committee was a most useful body, shake him from his conviction that it ought to be dissolved. If such a committee had to exist, thought Arnold-Foster, it ought to be an appendage to the Committee of Imperial Defence.[27]

The Colonial Defence Committee did become a part of the larger body. This was a logical and necessary move, for the character of planning for colonial defense had changed greatly since the time when Meade had discerned the need for some such group. But the committee did not disappear with its merger with the CID. It was eventually re-christened the Overseas Defence Committee, and in that as in its previous state it did much useful work.

Balfour, defying the usual law of legitimacy, claimed that the Committee of Imperial Defence had several legitimate fathers.[28] Certainly a number of factors operating in Brit-

26 CAB 17/93, Ommaney to G. S. Clarke, February 22, 1905.

27 CAB 17/93. Memoranda by H. O. Arnold-Foster, September 15 and 24, 1904.

28 *Hansard,* CXXXIX (1904), 617.

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ish, imperial and international affairs contributed to the birth of the new agency. But of all the antecedent bodies, the Colonial Defence Committee has the clearest claim to parental rights. It had been the first agency of the British government to give continuous thought through the years to the role of British territories overseas in the general task of imperial defense. From the very nature of its responsibilities, it had taken a less parochial view than any other area of the imperial government, for it had had to consider both the naval and the military aspects of defense, and to try to assign its proper place in colonial defense plans to each service. At a time when the two service departments operated in virtually closed compartments, and—as they continued to do until 1911—planned to fight two different wars against Germany, the success of the Colonial Defence Committee over the years in managing to secure cooperation between the services in advising colonial governments on their defenses was perhaps no small accomplishment.

Certainly one of the clearest testimonials to the continuity between the Colonial Defence Committee and its more powerful and imposing successor body was the choice of Sir George Clarke as the first secretary of the new body. Through Sir George, the rich experience accumulated by the Colonial Defence Committee became available to the CID, much to the advantage of the new group.

The general administrative experience of the CDC was also helpful. The lack of anything like agenda or minutes has frequently been noted as one of the features of British cabinet government in the nineteenth century, perhaps not without some sense of envy in this day when we are threatened with total immersion in a sea of paper. But this lack of records was not a good thing in the field of defense planning. Fortunately, the CDC, dealing with a variety of colonial governments, had been compelled from the nature of its labors to keep records of its memoranda and remarks. The orderly operation of its secretariat under Clarke and his successors was naturally imported into the CID when he was designated first secretary of the new body.

In February of 1894, Sir Charles Dilke had joined with his collaborator, Spencer Wilkinson, and with H. O. Arnold-

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Foster and Sir George Chesney, in sending letters to Gladstone and to the leaders of the Opposition, urging that they take account of the sad state of Britain's defenses. The writers had pressed the idea that the first steps to reform should be some attempt to establish "a view of the nature of a possible war" and to consider the sufficiency of the preparations which had been made to meet it.[29] Within its own area, the CDC had been doing precisely these things for a number of years. Judged by the standards set forth by these earnest advocates of a more effective defense, the Colonial Defence Committee had been giving the governments of the colonial empire an excellent service of a kind which was not available to the government of the United Kingdom until at least a decade later.[30]

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[29] Stephen Gwynn and Gertrude Tuckwell, *The Life of the Right Honourable Sir Charles W. Dilke*, 2 Vols. (New York, 1917), I, 416–17.

[30] The research upon which this article is based was made possible through grants from the American Philosophical Society and the General Research Board of the University of Maryland. Unpublished Crown-copyright material in the Public Record Office, London, is reproduced by permission of the Controller of H.M. Stationery Office.

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THE LEGAL AND POLITICAL GENESIS OF THE SUPREME COURT

THE Supreme Court of the United States is unique among the world's judicial bodies because it is endowed not only with the normal legal authority that resides in any court, but possesses, in addition, a vast reservoir of political power. This political power is exercised, however, within the limits of a carefully defined judicial procedure which is solidly rooted in centuries-old Anglo-American custom modified by statutory enactments in order to meet the changing needs of a dynamic society. The fact remains, nevertheless, that this admixture of law and politics has thrust upon the Court the unenviable constitutional duty of deciding cases between two litigants, the outcome of which not only determines the long-term constitutional direction of the nation, but also very often has a serious impact on contemporary public policies. This duality of functions, never perfectly differentiated, produces a fairly large penumbral area in which the Court's decisions become fair game for political attack by the uninformed or misinformed as well as by the more circumspect. Moreover, throughout the Court's history some of its critics have attempted periodically to destroy the institution itself by so stripping it of its powers as to leave a lifeless robot. In part, the extremely harsh criticism that has erupted from time to time has come from gored oxen, but to attribute all dissatisfaction with the Supreme Court to those who considered themselves injured by particular decisions is to oversimplify the matter. The problem is more basic and lies in the nature of the institution itself.

I

On the surface, at least, the Court is a contradiction in American political theory. It is an oligarchy in a democratic polity, and although dissimilar to traditional oligarchies based on wealth and family with a strong element of preemptive privilege, it does in fact have an even less valid claim to political authority than wealth and family. A Justice of

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the Supreme Court receives his appointment initially because he is a lawyer or more probably a lawyer-politician whom the President of the United States happens to like. The President may like a man's political views, his legal orientation, or it may be merely a matter of personal friendship. The President need not and does not say why a nomination to the nation's highest court is sent to the Senate. Furthermore, on the surface, once the Justice is on the bench, he is politically responsible to no one—certainly not to the President who appointed him, or to the Senate which confirmed him. As to that great mass called the people, a Supreme Court Justice is so far removed from it as to be politically irresponsible.

Careful students of American government are indeed aware that this surface picture is so highly superficial as to be downright inaccurate. But the masses are not careful students of American government and very often they form their views from a thin veneer of surface knowledge. In addition, modern methods of communication furnish relatively easy means to those who would exploit mass emotions, whether out of sincere motives for the public good, or solely for individual gain. And the Supreme Court, because of its political role, is subject to fair or unfair comment by the mass communicators and by anyone at all who wishes to take pen in hand. Because of its legal role, however, which calls for a dignified, austere, and relatively disinterested judicial posture, the Justices, unlike the President or individual congressmen, cannot answer back. It would be not only an impropriety but an absolute indignity for a Justice of the Supreme Court to reply directly—even with a reasoned argument—to a journalist critic, and it is inconceivable that a Justice moved to anger would toss off a profane epithet, no matter how well deserved, in the manner of one of America's twentieth-century Presidents. By its very nature, then, the Court has produced in the American body politic an almost pathological ambivalence resulting in broad public attitudinal swings from reverence to condemnation and back to reverence again, often in one generation. Throughout American history, the Court has always had able defenders to meet the periodic storms of protest, and it seems a safe prediction that this will be true in the future as it has been in the past.

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Fundamentally, the Supreme Court has remained controversial because its role was imperfectly defined in the Constitution, partly because of the nature of constitutions and partly because of the nature of the judicial function. But the fact is that the power and authority of the Court are rooted as much in Anglo-American legal and political practice as in the phraseology of Article III. Consequently, an understanding of why the Court is what it is and why it does what it does is incomplete without a knowledge of its historical underpinning. This paper will deal with the three main periods of the Supreme Court's pre-history. These are: (1) the American colonial period which may be dated from the beginning of the settlement of the colonies to September 5, 1774 when a Congress first met to consider the grievances against the mother country and gradually prepared for Revolution; (2) the period of government by a Congress until March 1, 1781 when the Articles of Confederation were ratified; and (3) the period under the Articles of Confederation from March 1, 1781 to March 4, 1789 when the present Constitution of the United States became operative. In the initial period of judicial creativity, three factors weigh heavily on later developments. These are: the general legal milieu of the colonial period; the influence of the vice-admiralty courts on judicial practice; and the general system of legal appeals.

II

Few, if any, observers of the American character question the proposition that Americans are a legally-minded people, perhaps the most law- and court-oriented of any people, past or present. It is most interesting that this trait developed during the colonial period, reaching a plateau roughly at the time of the founding of the new nation. The tendency in America to litigate everything is spoken of by the Duc de la Rochefoucauld who traveled through the United States in the late 1790's. He pointed out that New Englanders were exceedingly litigious and that there were "few disputes even of the most trivial nature among them that can be terminated elsewhere than before a court of justice." [1] La Roche-

[1] As quoted in Francis R. Aumann, *The Changing American Legal System* (Columbus, 1940), p. 52.

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foucauld wrote of Connecticut that "perhaps no equal number of people in the universe . . . have such a multitude of lawsuits" and such a multitude of advocates. He observed, further, that these lawyers had a great political influence among the people.[2] Massachusetts, the more or less typical colony, shows us that the colonists had "a most disagreeable characteristic"—that of an unwillingness to end lawsuits. A study of county court records in Suffolk County for the period 1671–1680[3] indicates that a loser in the County Court sought to appeal his cause as long as permissible and that when the appeals failed, he began the litigation all over again from a different angle. The whole business, moreover, was encouraged by a consistent disregard of the principles of *res judicata* by juries and magistrates, and issues which early should have been settled forever took forever to settle.[4] One factor contributing to the disregard of prior adjudications was the lack of availability of printed opinions, both English and colonial, to which the magistrate might refer.[5] This rapid development of the lawsuit *in extenso* seems particularly astonishing in view of the fact that the band of Pilgrims who landed at Plymouth in 1620 contained not one lawyer, and among the Puritans who founded Massachusetts Bay in 1628–1640, only two had been admitted to the Inner Temple and none had ever practiced law.[6] This phenomenon of litigation without lawyers is accounted for in part by the fact that, unlike today, educated men in England and America during the seventeenth and eighteenth centuries were generally familiar with the law and its administration.[7] Skill in the law had not yet been abandoned to the legal profession, and the colonists pursued a sort of rude natural justice popularly administered without the refinement of a later day.[8] The tradition of judicial action so

2 *Ibid.*

3 *Records of the Suffolk County Court 1671–1680*, Vol. I (Publications of the Colonial Society of Massachusetts, Vol. 29). See Aumann, *op. cit.*, p. 51.

4 *Ibid.* See the introduction to the *Records of the Suffolk County Court* by Samuel Morison and Zechariah Chafee.

5 Aumann, *op. cit.*, p. 52.

6 Roscoe Pound, *Organization of Courts* (Boston, 1940), p. 27.

7 *Ibid.*

8 See Aumann, *op. cit.*, p. 9.

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deeply ingrained in the American character unquestionably has its roots in our early history.

What finally emerged in colonial America were thirteen variations of the same legal system, not thirteen different systems,[9] and a not inconsiderable part of the English heritage was an unsystematic confusion in the organization and procedure of the courts. To a certain extent the American confusion resulted from adopting the English judicial organization when it was in its most chaotic form in the seventeenth and eighteenth centuries. The authoritative legal source for America during this period was Coke's Fourth Institute, and when Coke wrote, the English judicial system had not yet been set to any systematic or orderly pattern, and individual courts were often without clearly defined limits of jurisdiction.[10] In part, the colonial judicial systems developed *sui generis*. New courts and new procedures were added as needed, without any conscious attempt to emulate the mother country. Also contributing to the judicial disorder was the lack of any differentiation of governmental powers. The colonial legislatures, in addition to exercising administrative and lawmaking powers, acted as final courts of appeal.[11] Not atypical is Massachusetts Bay where from 1629 until 1635 the Governor and the Assistants acted as legislators, magistrates and judges, and until 1660 the General Court of Massachusetts acted as a legislature, as a court of appeals, and even as a criminal court. As a matter of fact, it retained appellate jurisdiction in criminal causes and original equity jurisdiction until 1865.[12] In all of the colonies, New England, Middle and South, including New York with its Dutch beginnings, any meaningful separation of powers was virtually unknown until the late seventeenth century when the concept took rudimentary form.

Existing side by side with the colonial judicial systems after 1696 were the courts of vice-admiralty, established by the Crown to try, in addition to the usual marine causes,

9 See Francis N. Thorpe, *The Constitutional History of the United States* (Chicago, 1901), Vol. I, p. 181.

10 Pound, *op. cit.*, p. 5.

11 *Ibid.*, pp. 56–57.

12 *Ibid.*, pp. 28–29.

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other cases concerning commerce and revenue as provided by an act of 1696.[13] Prior to 1697 lawsuits involving matters of a marine character were handled either by the existing common law courts or by the governor and council or other bodies sitting as admiralty courts with a jury. But the laws of England were not being enforced. In the common law courts both judge and jury were prone to acquit offenders, and in the makeshift admiralty tribunals jurisdiction was limited by the terms of the governors' commissions and in no wise extended to trials for breaches of the English navigation acts. British officialdom considered the situation critical since vessels and persons could carry on illicit trade with impunity, not to speak of the loss to the king's treasury.

So there came into being eleven vice-admiralty districts covering the American colonies. Judges, advocates, registers and marshals were appointed by the colonial governors with the approval of the High Court of Admiralty in England. Jurisdiction of the new courts fell roughly into three categories: the ordinary marine disputes, most of which involved suits for wages and salvage; those cases relating to breaches of acts of trade which were, of course, closely connected with England's colonial commercial policy; and, finally, prize cases, The system of Crown-established courts operating alongside the colonial courts precipitated conflicts not unlike those of a later date so common under the American federal system. The major areas of jurisdictional dispute were those involving the proprietary governments and the courts of common law. The proprietary or corporate colonies operated under charters which contained undisputed grants of legal and judicial authority generally conceded to be greater than the powers of the tenant-in-chief of the crown, and although it was not clear whether such charters conferred admiralty jurisdiction on the proprietors, the colonies of this class attempted to confine the jurisdiction of the vice-admiralty courts to narrow limits and to prevent encroachment on what they believed to be their charter prerogatives. Royal authority had

[13] For a discussion of vice-admiralty courts and their importance, see Charles M. Andrews, *The Colonial Period of American History* (New Haven, 1934), Vol. IV, pp. 222–271; see also Carl Ubbelohde, *The Vice-Admiralty Courts and the American Revolution* (Chapel Hill, 1960).

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its way, but the vice-admiralty courts contributed tensions which were to lead to the final hiatus with England.

It was perfectly natural for the vice-admiralty tribunals to collide with the courts of common law since in theory the two systems were to exercise concurrent jurisdiction, although, in fact, the jurisdiction of the King's courts was never succinctly and precisely defined. The situation was aggravated further because the vice-admiralty courts proceeded without juries. In some admiralty suits the defendant would raise the question of jurisdiction (normally overruled by the judge), but in others the judge would of his own volition turn over a suit to the common law courts. A vice-admiralty court might fine a seaman for assault, or order a vessel returned from master to owner, but the judge would then inform the injured party that he must sue at common law for damages. Occasionally, when a common law judge believed that an action lay outside the competence of a vice-admiralty court, he would issue a writ of prohibition. Sometimes the writ would be ignored, sometimes formally refused, depending upon which of the two courts was the more powerful. More often than not writs of prohibition were obeyed since the common law courts were independent and were generally the more powerful.

An almost identical court struggle had gone on in England during the early part of the seventeenth century and there was no question that the common law courts in the mother country were first in power and prestige in the judicial structure. By statute, writs of prohibition could issue from a common law court to stay vice-admiralty proceedings, and a vice-admiralty judge who ignored the writ was subject to punishment for contempt. But the parliamentary statute did not extend to the colonies; the courts of common law in America merely asserted the authority to issue the writ. The judicial conflict in America deepened further as Parliament continued to increase the jurisdictional powers of the vice-admiralty courts. This was a part of the well-known attempt on the part of Britain to tighten the loose bolts in the imperial structure, particularly after 1764 when the entire revenue system was revised with a view toward stricter enforcement of the trade laws.

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Of all of the grievances which the colonists held against the vice-admiralty courts, the deprivation of the right of trial by jury was the most persistent. In the official British view, the jury system had broken down since the colonials refused to bring in verdicts against violators of the trade and revenue laws. The colonists, on the other hand, in addition to their complaints against the revenue measures (taxation without representation), were able to argue that they were being denied an old and revered English constitutional right.[14] Later events were to prove that jury trials and admiralty law were not compatible. During the revolutionary period the states attempted to use jury trials in their admiralty proceedings but found them unworkable. The complexities involved in matters of the sea were just not within the competence of the average citizen, regardless of good intentions, and it was not long before the states returned to the old system of admiralty proceedings. Eventually admiralty jurisdiction passed to the appellate committee of the Continental Congress, from thence to an appellate court and ultimately to the federal courts under the Constitution. It is noteworthy that the vice-admiralty courts were the forerunners of the federal courts, and that the establishment of the federal union created conflicts not very different from those of the colonial period. And it seems doubtful that any federated government containing a dual court system can ever be free of such jurisdictional disputes.

The third, and probably the most important, feature of the early period of judicial gestation is the system of appeals, primarily because it furnished the underpinning for the mature form of the doctrine of judicial review of legislative and executive acts. Common law methods of appellate procedure find their origins in three sources: the Roman law, the Canon law of the medieval church, and the Germanic law. Under the Roman republic and in the initial stages of the formation of the English common law, appeals from courts of original jurisdiction were unknown.[15] Appeals came into being in Rome during the period of the empire when the Emperor became the supreme judicial magistrate

[14] See Ubbelohde, *op. cit.*, pp. 202–214.

[15] See Roscoe Pound, *Appellate Procedure in Civil Cases* (Boston, 1941), Chap. I, for a discussion of the historical development of appeals procedure.

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and Roman law eventually worked out four methods of insuring correct determination of facts, correct ascertainment of the law, and proper application of the law to the determined facts. These were: (1) inspection of the proceedings for legal error (*revocatio in duplum*); (2) rehearing the case in a higher court (*appellatio*); (3) referral of questions of law to the ultimate appellate tribunal for an authoritative answer; and (4) rehearing of the cause in the same court upon petition. With many variations and refinements these became universal practice in legal systems.[16] The courts of the church in the Middle Ages took over the Roman appeals procedures and adapted them to ecclesiastical needs. Specifically borrowed from the Roman law were *supplicatio,* a petition to the ultimate legal authority for a rehearing, and *restitutio in integrum,* an extra-ordinary remedy in case of injury in the course of a judicial proceeding such as a judgment based on false testimony or forged documents.[17] Except for the Scandinavian countries, Germanic law contained no system of appeals. Its contribution to appellate procedure lay in what is called "impeaching a judgment," which was actually an attack on a proposed judgment, and not review after a decision had been rendered. When a judgment was proposed by the official court, any person attending the proceeding could impeach the judgment by proposing another, contending that his own proposal was the correct judgment. Ultimate settlement was made by a higher court.[18]

All of the above ingredients went into the formation of the English court system which took on a modern form after settling such crucial matters as keeping records, separating courts of record from the others, and clearly setting off finding of facts from questions of law and applying law to the facts found.[19] During the American colonial period five types of review of judicial proceedings were in vogue in England and were available as models for American appellate procedure. They consisted of: (1) review of trials at circuit by the common law courts; (2) writs of error in Parliament (House of

[16] *Ibid.,* p. 9.

[17] *Ibid.,* p. 10.

[18] *Ibid.,* pp. 24–25.

[19] *Ibid.,* p. 27.

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Lords) to review judgments of the King's Bench and Exchequer Chamber; (3) writs of certiorari to remove a case pending before an inferior court to a superior court of common law; (4) appeals from the ecclesiastical courts and admiralty; and (5) appeals in Parliament from chancery and to the Privy Council from courts of the colonies.[20] Prior to the advent of the eighteenth century, appellate procedures in the colonial courts followed the American judicial pattern generally and can be best characterized as informal and "relatively crude." Throughout the eighteenth century, however, the colonies, using the King's Bench as a model, standardized somewhat their appellate courts and adopted common law practices.[21] By the time of the framing of the Constitution, modes of appellate jurisdiction and procedure were clearly imbedded in the judicial systems of colonial America, and it was consistent with the temper of nationalism which pervaded the constitutional convention that the framers create a final court of appeals to hear cases involving legal questions of national significance.

The precedents for judicial invalidation of legislative and executive acts are less compelling, but the constitutional relationships between colonies and crown, specifically the procedures governing judicial appeals from the member governments to the central authority of the British imperial edifice, furnish important antecedents for judicial review in its modern form.

Acts of the colonial legislatures were subject to several types of review in England.[22] First, the Board of Trade might, as a matter of administration, examine any colonial statute and recommend disallowance to the King in Council. Acceptable statutes were confirmed by an Order in Council based upon a report by the Board of Lords Committee, which in turn reported to the Privy Council. Objectionable statutes were rejected or "disallowed" by the

20 *Ibid.*, p. 38.

21 *Ibid.*, p. 72.

22 See Joseph Henry Smith, *Appeals to the Privy Council from the American Plantations* (New York, 1950), pp. 523–537. See also Dudley Odell McGovney, "The British Privy Council's Power to Restrain the Legislatures of Colonial America: Power to Disallow Statutes: Power to Veto," *U. of Pa. Law Rev.*, Vol. 94, pp. 59–93, and "The British Origin of Judicial Review of Legislation," *U. of Pa. Law Rev.*, Vol. 93, pp. 1–49.

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same machinery, but until enacting colonies were notified, disallowed acts continued in force. In some instances acts were declared null and void *ab initio* in the routine legislative review process, and under these circumstances, all action taken under the provincial statute was without validity. The legal distinction between the two procedures is the difference between void and voidable. The legal effect of the former is non-existence of a law, past and present; the effect of the latter is identical with that of repeal which merely voids a law at a certain point in time. The Privy Council might disallow a law for any reason whatsoever, subject only to the limitation that the veto must apply to the whole of a statute and not to any item, clause, or part of it in itself.

Judicial annulment, on the other hand, was a different type of proceeding. This second generic type of review by the Privy Council occurred in the exercise of the appellate function under which an unfavorable determination was a declaration of nullity. Such a judicial power of voiding colonial enactments depended upon the charter or upon the terms of the governor's commission, whereas, in contrast, legislative review rested upon acts of Parliament. In short, the source of authority for the judicial voiding of a law is related to the prerogative, in contradistinction to legislative disallowance which is found in the supreme law-making power. Clauses were written into both the colonial charters and the commissions to royal governors declaring that laws should not be enacted contrary to or repugnant to the laws of England. This limitation was a basic rule of English law, fashioned by the courts and implemented by statute, with a history going back to the time of the Plantagenets.[23] In an effort to reduce the law of the realm to uniformity, the English courts developed the principle that local law, including customs and corporate by-laws, must conform to the common law. Since the early colonial settlements were legally corporations, and since the patents to the various proprietors were virtually identical, it was easy to apply the legal rules which obtained at home to the new plantations abroad.

Somewhat less clear were the effects of clauses in the com-

[23] Smith, *op. cit.*, p. 525.

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missions to the royal governors requiring laws to be agreeable to those of England, but English commissions generally from the early seventeenth century onward had to be exercised pursuant to English law.[24] In 1696 Parliament enacted a law providing that

> all laws, by-laws, usages or customs, at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the said plantations, which are in any wise repugnant to the before mentioned laws, or any of them, so far as they do relate to the said plantations, or any of them, or which are any ways repugnant to this present act or to any other law hereafter to be made in this Kingdom, so far as such law shall relate to and mention the said plantations, are illegal, null and void, to all intents and purposes whatsoever.[25]

Unfortunately, it is not possible to define precisely what was meant by "repugnancy" or "contrariety" to the laws of England. In some charters and commissions a different phraseology was used, namely: laws were to be "as near as may be agreeable" to the laws of England.[26] It is fairly clear that in order for a law to be repugnant or contrary to the laws of England, it had to be more than merely different from, or at variance with, English law. In all probability a *prima facie* presumption of repugnancy would exist if a colonial act ran counter to any viable common law or equity doctrine in England.[27] In some quarters in America the argument was propounded that repugnancy of colonial acts could not be tested by a vague standard of English law but must be measured against acts of parliament specifically in-

[24] *Ibid.*

[25] Act for Preventing Frauds, and Regulating Abuses in the Plantation Trade, 7 and 8 Wm. III, C. 22 (1696). J. H. Smith suggests that this section was inserted at the recommendation of Chief Justice Holt who had earlier expressed judicial approval of the doctrine of Bonham's Case that acts of Parliament were void which ran counter to basic common law principles. It was Holt's conception that given a basic legal rule, dispositions contrary thereto could be declared void. As Holt said in *East India Company v. Sandys*, "if any law be made against any point of the Christian religion, that law is *ipso facto* void." Howell, State Trials, Vol. 10, p. 375. See Smith, *op. cit.*, p. 527.

[26] Smith, *op. cit.*, p. 529.

[27] *Ibid.*, p. 530.

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tended to apply to and actually in force in the colonies.[28] But this argument seems far fetched. At the time of issuance of the colonial charters, hardly any acts of Parliament specifically applied to the Crown's dominions,[29] and the clauses dealing with repugnancy in the charters were not limited to some laws of England while excluding others.[30]

What is important here is the existence of a dual legal jurisdiction over a single territory containing superior and inferior laws plus the concept that repugnancy or contrariety of inferior to superior may be judicially determined and the law of the inferior discarded. Of further significance to later American constitutional development is the fact that the power of judicial annulment was exercised solely in a lawsuit brought in a colonial court and carried on appeal to the Privy Council sitting as the highest court in the imperial system.[31]

In purely quantitative terms precedents for executive disallowance clearly outweigh those for judicial annulment. Although we can only be approximate, since precise data are non-existent, better than 500 colonial statutes were disallowed by orders in council out of some 8,500 submitted.[32] On the other hand, the Privy Council assumed appellate jurisdiction in just four cases in which the issue was the validity of colonial statutes,[33] and in only one, *Winthrop v. Lechmere,* was the law judicially voided. In the latter case a Connecticut statute was set aside on the ground that the legislature had gone beyond its powers under the Connecticut charter, a document which was in actuality the constitution for the government of Connecticut. In no sense can it be said that the Supreme Court of the United States exercises power identical with that of the Privy Council either in disallowance or annulment. At the same time, modern American

28 See Jeremiah Dummer, *A Defense of the New England Charters* (London, 1765), pp. 66–76, as quoted in Smith, *op. cit.,* pp. 530–531.

29 See Robert L. Schuyler, *Parliament and the British Empire* (New York, 1929), pp. 19–22.

30 Smith, *op. cit.,* p. 531.

31 See McGovney, *op. cit.,* p. 62.

32 *Ibid.,* pp. 71–72.

33 *Winthrop v. Lechmere,* 1727; *Philips v. Savage, Clark v. Tousey,* and *Camm v. Hansford and Moss (Parson's Cause).*

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judicial review is not an entirely different kind of power, but is, in fact, rooted in British imperial practice. Granted that the British colonial empire during the seventeenth and eighteenth centuries was not a federal system, and granted that twentieth-century judicial supremacy in constitutional interpretation is unknown in England, nevertheless, the seed for American judicial review was sown in Britain. It could never germinate there for the simple reason that no formal limitations on the powers of Parliament existed. An American variety, however, was home grown for the simple opposite reason that limitations on the Congress, the President, and the states in the Union are unequivocally expressed in the American Constitution. The principle established, presumably first expressed by Sir Edward Coke in 1610, was that courts possessing proper jurisdiction might invalidate legislative acts when such acts ran contrary to some higher law. The American experiment with a superior written law set the stage perfectly for a refined application of that principle.

III

The second period of judicial development can be best characterized as one of emergent national unity with a representative congress wielding all existing national authority on an *ad hoc* basis from September 5, 1774 until March 1, 1781. As a necessary consequence of the Revolution, the judicial power of the English Crown ceased to exist in America, and, in general, each colony could boast a self-contained, independent judiciary as no appeals lay beyond the highest court in each colonial judicial system. As is often the case, however, the solving of one problem creates others. With the surcease of British power came the end of the vice-admiralty courts and an ensuing void which could not be left empty. By the fall of 1775, two classes of armed vessels, one authorized by the Continental Congress and the other by the Massachusetts Assembly, were cruising in Massachusetts waters, and both were capturing enemy vessels as prizes.[34] Jurisdictional questions were unsettled, and General Washington, embarrassed and annoyed by requests concerning

[34] Hampton L. Carson, *The History of the Supreme Court of the United States* (Philadelphia, 1902), p. 41.

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proper determination of these admiralty questions, wrote to the President of the Continental Congress on November 11, 1775, asking that Congress set forth appropriate means of proceeding, including the establishment of a Court "to take cognizance of prizes made by the Continental vessels." [35]

Reaction to Washington's letter was swift. Before the month was out, Congress had authorized capture of English vessels of war as well as service or supply ships to be commissioned by Congress or on their authority. In order to enforce these resolutions, the Congress recommended that the colonial assemblies erect new courts or give jurisdiction to those in being to determine matters concerning captures. Various other provisions were made including the suggestion that jury trials be afforded the litigants, but, most importantly, the Congress requested that in all cases an appeal should be allowed to Congress, or to such person or persons as they should appoint.[36] There is no doubt that this action by a national authority to standardize admiralty procedure is a clear antecedent for a national judiciary. It also links together, for certain purposes at least, what were theoretically thirteen independent, sovereign states, and adds one factor to many others. When totalled up, these factors demonstrate that the states were always bound in some form of union and were never, in fact, independent or sovereign. But as one observer points out, this early resolve of Congress on matters of admiralty procedure created no tribunal, provided no method of procedure and no means of enforcing decrees, was silent as to original jurisdiction, left the extent of appellate power in doubt, engrafted trial by jury upon admiralty proceedings (a novelty of uncertain value), and assumed an undefined authority. In short, it created "a crude and imperfect piece of legislation." [37] But the imperfections were dealt with in rapid succession, and there is a clear line of continuity from British judicial authority to congressional judicial authority to federal judicial authority under the Constitution of 1789.

Prompted by the resolution of the Congress, the colonies established courts of admiralty jurisdiction. Application to

[35] *Ibid.*

[36] *Journals of the Continental Congress*, Vol. 3, pp. 371–75.

[37] Carson, *op. cit.*, p. 43.

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Congress on appeal was by petition which at first was referred to an *ad hoc* committee of five members appointed for each case,[38] but on January 30, 1777, Congress resolved to appoint a standing committee of five members to hear and determine admiralty appeals.[39] This mode of operation came to an end in January, 1780, when Congress established a court for the trial of all appeals from the admiralty courts of the states in cases of capture. This court, appointed by Congress, consisted of three salaried judges, any two of whom constituted a quorum.[40] Trial procedure was to be according to the usages of nations, and juries were expressly forbidden.[41] The Court continued to operate until 1786 when Congress resolved that "as the war was at an end, and the business of that court in a great measure done away, an attention to the interests of their constituents made it necessary that the salaries of the said judges should cease." [42] The last entry in the Journals of Congress relating to this court is on July 24, 1786, empowering it to hear an appeal against a decree in the Court of Admiralty of South Carolina, condemning the sloop Chester.[43] But this is moving us into the third

[38] Under this arrangement special committees heard the cases of: the *Thistle* (*Journals of the Continental Congress*, Vol. 5, p. 827), the *Elizabeth* (*Journals of the Continental Congress*, Vol. 5, p. 751), the *Charming Peggy* (*Journals of the Continental Congress*, Vol. 6, p. 885), the *Vulcan* (*Journals of the Continental Congress*, Vol. 6, p. 986), *Esek Hopkins v. Richard Darby* (*Journals of the Continental Congress*, Vol. 5, p. 545), the *Richmond* (*Journals of the Continental Congress*, Vol. 7, p. 13), the *Phoenix* (*Journals of the Continental Congress*, Vol. 7, p. 30).

[39] *Journals of the Continental Congress*, Vol. 7, p. 75. The first standing committee consisted of James Wilson of Pennsylvania, Jonathan Sergeant of New Jersey, William Ellery of Rhode Island, Samuel Chase of Maryland and Roger Sherman of Connecticut. The number was increased to eight for a brief period, but then reduced to five.

[40] *Journals of the Continental Congress*, Vol. 16, p. 61. Congress elected as judges George Wythe of Virginia, William Paca of Maryland, and Titus Hosmer of Connecticut. Wythe declined and Cyrus Griffin of Virginia was chosen in his stead. Judge Hosmer died in August of 1780 and the work of the court was performed during the first two years of its existence by Paca and Griffin. In November of 1782, Paca resigned to become Governor of Maryland. In December, 1782, George Read of Delaware and John Lowell of Massachusetts were chosen to serve with Judge Griffin.

[41] *Journals of the Continental Congress*, Vol. 16, p. 61.

[42] *Journals of the Continental Congress*, Vol. 30, p. 60.

[43] *Journal of the Continental Congress*, Vol. 30, p. 423. See also J. C. Bancroft Davis in the Appendix to *U. S. Reports*, Vol. 131, p. 28.

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period, that between 1781 and 1789 under the Articles of Confederation.

IV

The Articles of Confederation were agreed to in Congress on November 15, 1777, but were not to be conclusive until approved by the legislatures of all the states.[44] All of the states but Delaware and Maryland ratified the Articles by the end of 1778. Delaware consented to the new instrument of government in 1779, but Maryland, in an attempt to secure a provision for the holding of the unsettled public lands for the benefit of all of the states, held out until March 1, 1781. The new government began operations on March 23. Although restricted to very narrow limits, the judicial power of the United States was defined and even extended in some particulars by Article IX. This Article provided that Congress should have exclusive power: first, to appoint courts for the trial of piracies and felonies committed on the high seas; and second, to establish courts of appeals in cases of capture, provided that no member of Congress should be a judge of any of the said courts. Furthermore, the Article declared that Congress was to be the last resort on appeal in all disputes then existing or which might arise between two or more states concerning boundaries or other causes, provided that no states should be deprived of territory for the benefit of the United States. Finally, it provided that all controversies concerning the private right of soil claimed under different grants of two or more states would be settled finally by Congress upon petition of either party.

Under the Articles, Congress created no new court of appeals, but the old court, established in January, 1780, appears to have continued to hear prize cases until July, 1786. In the two remaining areas of national jurisdiction under Article IX, those of piracies and felonies committed on the high seas and those involving territorial disputes, the arrangements provided for were temporary and haphazard. This appears to be a natural consequence of the loose confederate form of government. Even the extent of the judicial powers of Congress under the Articles of Confederation

[44] *Journals of the Continental Congress*, Vol. 9, pp. 906–928.

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in cases of capture was narrowed by the construction given to the Articles in the state courts,[45] and in the matter of piracies and felonies committed on the high seas, litigation was actually handled by the states under authority of Congress. Courts for such cases were established by an ordinance of 1781, but the judges consisted of justices of the supreme or superior court of judicature and of the admiralty courts of the respective states. Trials were by jury under common law proceedings, and upon conviction, all forfeitures went to the state wherein the conviction was had. When holding such courts, the judges sat in the state court house, the prisoners were confined in the state jail under state officers, and were executed on conviction by order of the sheriff.[46]

In the matter of boundary disputes, the record indicates that appeals were made to Congress in six instances,[47] and in only one did the controversy actually come to trial.[48] In the others, the differences were settled amicably. Even in those areas where Congress or its designate exercised an appellate judicial power, it possessed no power of enforcement, generally depending upon state enforcement machinery or, in boundary disputes, upon mere acquiescence. And in most matters of the national interest real judicial protection was unknown. At various times from 1776 until 1787, Congress recommended that the states lend a helping hand, but the national interest seemed less compelling than local autonomy. Among other things, Congress found it impossible to obtain action to punish infractions of the laws of nations in such matters as the violation of safe conducts or passports granted by Congress, acts of hostility against persons in amity with the United States, and infractions of treaties or of the immunities of ambassadors.[49] Nor would the states provide for damage suits for parties injured under the law of

[45] See the essay by Thomas Sergeant in Peter DuPonceau, *The Jurisdiction of the Courts of the United States* (Philadelphia, 1824), p. 152.

[46] See *Journals of the American Congress,* Vol. 3, pp. 606–607 (1781), and Vol. 4, pp. 169–170 (1783).

[47] *New Hampshire, New York, and Massachusetts v. Vermont, Pennsylvania v. Virginia, Pennsylvania v. Connecticut, New Jersey v. Virginia, Massachusetts v. New York,* and *South Carolina v. Georgia.*

[48] *Pennsylvania v. Connecticut.*

[49] See *Journals of the Continental Congress,* Vol. 21, passim.

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nations or for compensation to the United States for damages sustained from an injury done to a foreign power by a citizen.[50] In 1782, Congress enacted an ordinance to regulate the post offices of the United States, imposing penalties for misdemeanors, but of necessity made them recoverable by action of debt in the name of the Postmaster General in the state where the offense was committed.[51] By resolutions, Congress called upon the states to empower congressionally appointed commissioners to settle the accounts of the military department,[52] and requested the states to enact laws to enable the United States to recover effects and individual debts due to the United States.[53] But the states refused to act. In July, 1784, the Committee of States, sitting during the recess of Congress in order to give national authority some continuity, met with a deaf ear when it declared that the states, by their inaction, had caused considerable damage to the national interest, and the Committee urged the adoption of measures which would enable the United States to sue for and recover their debts, effects, property and any damages which had been or might be sustained.[54]

From the foregoing analysis of judicial power during the period of the Articles of Confederation, the following observations seem appropriate. First, whatever central judicial power existed remained undifferentiated. Instead of establishing a clear-cut court or system of courts, Congress or its creatures looked after judicial matters. Second, even if there had been an independent judiciary under the Articles, it would have exercised only those powers which the member states would allow. Furthermore, there was no way in which such a court could have enforced its process in any event since there was no executive to bolster judicial authority. Judicial anemia was a natural consequence of a confederate form of government which really had no vital power of its own and, generically as an organizational form, can never be anything but weak and unstable. However—and this

50 *Ibid.*

51 *Journals of the Continental Congress,* Vol. 22, pp. 121–126.

52 *Journals of the Continental Congress,* Vol. 19, pp. 402–420.

53 *Journals of the Continental Congress,* Vol. 22, p. 103.

54 *Journals of the Continental Congress,* Vol. 27, p. 606.

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brings us to the final generalization—the period 1781–1787 did not break with past judicial history. Although no tribunal was vested with the appellate authority which before the Revolution was exercised by the King in Council, continuity was preserved through the admiralty proceedings and interstate boundary disagreements. At least it can be said that a connecting link of *central* judicial authority was maintained in the sense that at no time did the state courts command the final word on *all* matters justiciable. Central authority was never totally absent. Most important in this regard was the Court of Appeals in Cases of Capture which had received 118 cases on appeal from the states. The point was well made by constitutional historians over a half century ago that so large a number of appeals from state courts to a national tribunal would familiarize the public mind with the idea of a supreme national court to decide matters of national interest. This may have had an educative influence in bringing the people of the United States to accept such an institution under the new Constitution.[55]

Although it is clear that the American people were never without some form of central judicial authority, even during the period of confederation, it is certain that from the time of the break with Britain until 1803, a national judiciary did not exercise a prerogative of judicial annulment of legislative acts, state or federal. A few cases arose in the states which indicate that the *idea* of judicial annulment was still alive, although in no state was it a firmly established practice.[56] Constitutional historians differ over the exact number or the precise importance, and even over the nature of the proceedings in the cases which are generally cited as precedents for judicial review in the state courts prior to 1789. I think it relatively unimportant whether these state cases are or are not clear-cut precedents since the Revolu-

[55] See J. Franklin Jameson, *Essays in the Constitutional History of the United States* (Boston, 1889), pp. 43–44. See also Carson, *op. cit.*, pp. 63–64.

[56] For a discussion of precedents for judicial review prior to 1789, see: William M. Meigs, "The American Doctrine of Judicial Power, and Its Early Origin," 47 *American Law Review* 683; Charles Grove Haines, *The American Doctrine of Judicial Supremacy* (Berkeley, 1932), pp. 88–121; Edward S. Corwin, "The Establishment of Judicial Review," *Mich. Law Rev.*, Vol. 9, pp. 102 and 283; William Winslow Crosskey, *Politics and the Constitution* (Chicago, 1953), Vol. II, pp. 938–975.

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tionary-Confederation period was transitional and brief, a constitutional groping for ways of innovation without relinquishing ties with the past. The American Revolution was not a Jacobin or Leninist revolt, but was a conservative revolution, the intent of which was not to destroy authority, but to eliminate specific aggressions against the traditional rights of Englishmen. The movement toward a consolidated government which culminated in the Convention of 1787 had been underway for better than a quarter of a century, and among the constitutional ingredients available to the new government was a judicial check on legislative and executive authority.

V

Judicial power was by no means the central preoccupation of the framers of the Constitution. The great debates centered on the distribution of powers between the nation and the states, or federalism, and on the problems of executive and legislative authority, or the separation of powers. But it would be a mistake to conclude that the judiciary was of minor significance. In fact, the discussions of the nature, function and scope of central judicial authority cut across the broader issues of nationalism versus localism and checked and balanced government versus legislative supremacy. The matter of judicial review aside, the framers, when constructing the article on the judiciary, disagreed on four major questions, all of which, with the advantage of hindsight, appear to have been settled in the most appropriate manner. Judicial selection was a compromise between election by the legislature and appointment by the executive. Also a compromise was the decision to leave the creation of inferior federal tribunals to the legislative discretion. Invoking only token dissent were the decisions to establish the independence of the judiciary through life tenure and removal only by impeachment. Motivating the most prolonged debate was the proposal to create a Council of Revision wherein judges of the national tribunal would be associated with the executive in a revisionary power over legislative acts. In the final vote this provision was defeated by a narrow margin

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of four states to three with two states dividing and one state absent.

Judicial annulment, as it was used by the Privy Council and as it later developed in American constitutional practice, was never formally proposed at the Convention of 1787. It was, however, alluded to during the debates over the Council of Revision, and constitutional historians ever since have pointed to these debates and have arrived at directly opposing conclusions. One group closes the matter by contending that if the framers had intended that the judiciary have final authority on constitutional questions, they would have said so in unequivocal terms. The other side argues that the Constitution is and ought to be a broad outline of powers and limitations and cannot detail everything without becoming a legal code; that much of its authority arises by implication; and that, in any event, a majority of the framers either flatly asserted that they favored the power, or at the very least, were never on record as opposing it.[57] It is difficult to believe that the framers would not have prohibited the exercise of judicial annulment altogether had they held strong views against its exercise. There are, after all, clearly stated prohibitions on the Congress in spite of the fact that the constitutional authority of Congress was to be contained by a specific enumeration of its powers.

Several historical facts, although not making American judicial review a foregone conclusion, militate strongly in its behalf. First and foremost, the system of disallowance of colonial laws in Privy Council had prevailed for several generations and it was not likely that such a vital and mature doctrine would suddenly disappear because the American colonies had cut loose from Britain.[58] In the second place, the fact that governmental power had not, either in British or American practice, been carefully differentiated in the past made it unlikely that the newly created branches of government, so meticulously separated in theory, would suddenly be thoroughly and completely separated in practice.

[57] See particularly Charles A. Beard, *The Supreme Court and the Constitution* (New York, 1938). At least one of the framers asserted flatly and unequivocally that the Supreme Court possessed the power of judicial review. See Alexander Hamilton's contention in *The Federalist,* No. 78.

[58] See William Meigs, *op. cit.,* p. 689.

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The framers themselves, much concerned with checks and balances, specifically provided for some overlapping of power in the governmental structure and many of them assumed that the Supreme Court would check the legislative and executive branches on constitutional questions. Third, a strong tradition of judicial action, of litigating matters public and private (the line between the two often being more apparent than real) developed early during the colonial period and became ingrained in the American character. This in itself did not necessitate judicial review, but it did serve to dramatize the importance of courts in the general scheme of government and to produce a popular support for the judiciary. Combining these historical currents with the Federalist concept of a written constitution which is to be applied in the courts not only as law but as supreme law, it is hardly surprising that the doctrine of judicial review was early enunciated by the Supreme Court. In an organic sense, the American constitutional system, by embracing a form of judicial annulment of statutes, "continued to breed true to its heredity." [59]

The Supreme Court, like the Congress and the Presidency, was not a brand new creation but the result of centuries of Anglo-American constitutional evolution. In the light of America's colonial and revolutionary history, and in view of the difficulties encountered under the loosely organized confederation, it would have been illogical for the framers of the Constitution to create a strong national government without providing for a national judiciary, but at the same time, any framework which specified judicial power too rigidly would have been something less than basic law. Constitution making is a high art, and the success and stability of a constitution hangs precariously on the subtle distinctions between what the organs of government *must* do and what they *may* do. That is, an enduring constitution must allow the men who are to operate the government just the right amount of leeway for creativity and imaginative statesmanship. It must allow those who govern to make choices from the heritage of a nation's past, innovating and discarding when and where prudence dictates. The article on the

[59] *Ibid.*

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judiciary in the Constitution left open such great questions as appellate jurisdiction, judicial annulment, the number and qualifications of the Justices, and the nature and extent of the lower federal courts. Other important matters such as judicial tenure and the Supreme Court's original jurisdiction were settled, that is, unless the Constitution were to be amended. It is natural and sensible that constitutions be indefinite and imprecise if they are to endure. Once the Supreme Court was established, its future place in the American system of government would depend, as would that of Congress and of the Presidency, as much upon the nature of the men who occupied its high offices as upon the document which gave it life. As it turned out, certain justices of strong will and firm political persuasion left a permanent mark upon the Court, plunging it periodically into vehement and mordant controversy. But in the final analysis, the Court remained both a captive and a maker of history.

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THE AMERICAN POLITICAL TRADITION AND THE AMERICAN IMAGE OF CHINESE COMMUNISM *

Moral Unanimity and the "Givenness" of American Values

THE American polity was, and perhaps still is, unique in being blessed with a high degree of moral unanimity. It was a society in which basic values were "taken for granted" and all problems emerged as problems of techniques to be solved "on the basis of a submerged and absolute liberal faith." [1] There was a belief that, as Daniel J. Boorstin puts it, "values in America are in some way or other automatically defined: given by certain facts of geography and history peculiar to us." [2] This "givenness" of her values concealed the importance of the agreement on basic principles to which America owed the amazing vitality of her institutions. The marvelous success of her democracy drew attention to the specific details and performance or her governmental system. There was a lack of interest in political theory, particularly theory concerning basic political values and assumptions, which seemed to be superfluous to American life. Taken for granted, this moral unity and unanimity retarded the development of self-knowledge of the strength and weakness of the American political tradition and hindered the evolution of a conscious national purpose.

This general political tradition affected the development of academic studies which furnished intellectual leadership for the nation. By drawing a distinction between fact and value, science and philosophy, many leaders in the profession of political science, beginning in the twenties, relinquished

* The writer wishes to acknowledge his gratitude to Professor Hans J. Morgenthau, Director of the Center for the Study of American Foreign Policy, University of Chicago, for making the preparation of this article possible, and for his guidance.

1 Louis Hartz, *The Liberal Tradition in America* (New York, 1955), p. 10.

2 Daniel J. Boorstin, *The Genius of American Politics* (Chicago, 1953), pp. 8-9. This prevailing interpretation of the American political tradition has recently been challenged by implication in Harry V. Jaffa's study of the Lincoln-Douglas debates. Harry V. Jaffa, *Crisis of the House Divided* (Garden City, N. Y., 1959).

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their traditional role as interpreters of the meaning of political developments and political doctrines for their age. Instead, they considered as their primary task the meticulous verification of factual propositions or the construction of scientific theories on the model of the natural sciences.[3] This development left the average American without adequate guidance in his understanding of the meaning and doctrinal basis of American democracy. But since political problems are inextricably intertwined with deeper questions of values, even political scientists could not avoid speculating on such problems of political philosophy as the definition of democracy. When they did, "one of the consequences of the belief in the unity and clarity of American thought," in the words of Bernard Crick, "is a great closeness of academic speculation to popular thought." [4]

The moral unanimity and uniformity in American life aggravated the natural tendency of all peoples to view alien things in terms of their own image of themselves and to judge foreign life in terms of their inarticulate assumptions.[5] Since the "givenness" of American values obscured the importance for American politics of the common, implicit acceptance of liberalism as the American creed, Americans tended to belittle the role of political doctrine or ideology in the political life in other societies. The lack of interest in the deeper philosophical questions of their own society was matched by a profound ignorance of the political doctrines and ideologies abroad. Thus, at a time when the United States was highly confident of her political strength and influence, American contacts with revolutionary movements and regimes did not alert Americans to the contrast between the revolutionaries'

[3] Bernard Crick, *The American Science of Politics* (Berkeley and Los Angeles, 1959), Parts III and IV; Bernard Crick, "The Science of Politics in the United States," *The Canadian Journal of Economics and Political Science* (August 1954), pp. 308–320; Tang Tsou, "Fact and Value in Charles E. Merriam," *The Southwestern Social Science Quarterly* (June 1955), pp. 9–26; Tang Tsou, "A Study of the Development of the Scientific Approach in Political Studies in the United States—with particular emphasis on the methodological aspects of the works of Charles E. Merriam and Harold D. Lasswell," unpublished thesis (1951), University of Chicago.

[4] Bernard Crick, *The American Science of Politics*, p. 257.

[5] Louis Hartz wrote: "It is easy for us to judge others by ourselves because especially since the Jacksonian upheaval we have been so much alike." Hartz, *op. cit.*, p. 302; see also p. 297.

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seriousness of purpose and their own insufficient awareness of a national aim. Instead, they underestimated the personal and group commitments to ideology in the case of revolutionary movements and underrated the institutional and social commitments in the case of established regimes. They were ready to grasp at any slight departure from orthodoxy or any tactical adjustment to reality as an indication of "backsliding" or apostasy. This depreciation of ideology was reinforced by the economic disguise frequently worn in the United States by political influence. It led them to overestimate the efficacy of economic power, in the specific form of American economic aid, to change the political orientation of revolutionary groups.

Under these circumstances, Americans were easily influenced by verbal professions of leaders of other countries or by writings of those fellow countrymen who had an axe to grind. Thus, it was the American political tradition rather than the influence of a group of conspirators which was the ultimate source of the American notion, prevalent in 1944 and 1945, that the Chinese Communists were not "real Communists" but rather "backsliders," "agrarian reformers," and advocates of democracy of the American type. For such a widely shared notion could not have been the product of the influence of a small group of conspirators, however clever they may have been. Its roots must be sought in an equally ubiquitous social fact. To the extent that American policy and opinions were influenced by the works of those who had an ulterior motive, it was the American political tradition which rendered American officials and scholars susceptible to this influence.

Today, the specific misjudgments and failures are of only historical interest. But a detached analysis of them will demonstrate clearly that they formed an integral part of America's political tradition. It will show how a lack of self-knowledge leads to misjudgments of political developments abroad and failures in American policy. It will underscore the intellectual implications of the postwar search for a definition of the relative role of ideology and national interest in determining Soviet foreign policy and Communist behavior which was first symbolized by George Kennan's famous arti-

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cle in the July, 1947 issue of *Foreign Affairs*. It will also suggest how renewed recognition of the important role played by ideology in influencing Communist behavior, the reality of the world-wide, long-term struggle, and a deepening sense of crisis have contributed to a new interest in political philosophy, a self-examination of the American tradition, a conscious attempt to rediscover the American purpose, and an overdue endeavor to understand non-Western culture.

The Framework of American Policy and the Misjudgment of the Nature of the Chinese Communist Party

During the Pacific War, the United States sought to bring about a united and democratic China by peaceful means. In the first two years after Pearl Harbor, this policy found expression in American attempts to discourage the Nationalist government from adopting a policy of suppressing the Chinese Communists by force. In the last two years of the war, it developed into positive and active measures to bring the two sides together under a unified command and a coalition government. Within the general framework of the policy to bring about a united and democratic China by peaceful means, a significant split over policy occurred in late 1944 and early 1945 between General Patrick J. Hurley, on the one hand, and, on the other, some Foreign Service officers in China whose views were shared in various degrees by many officials in the State Department and American men of affairs concerned with China. The most important of these Foreign Service officers were John P. Davies and John S. Service. This disagreement was related, in the first instance, to the methods of bringing the two sides together. But beyond the conflicting views on means, there was a more fundamental disagreement arising from divergent estimates of the probable development of Chinese politics and the prospect of the Kuomintang's staying in power. General Hurley believed that a unified and democratic China could be brought about by a policy of giving strong support to Generalissimo Chiang Kai-shek, advising him to reach a settlement with the Chinese Communists but without exerting pressure on him to achieve such a purpose. With strong support from the United States and with the acquiescence of the Soviet Union in the American policy, the Nationalist government would

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be able to bring the armed forces of the Communist party under a unified command and to take the Communists into the government under terms favorable to the Kuomintang. The result would be a strengthened central government, coalition in form but still controlled by the Kuomintang.[6]

In contrast to Hurley's view, the Foreign Service officers thought that an American policy of unconditional support for Chiang Kai-shek would only make the Generalissimo more intransigent and prevent a compromise settlement with the Communists. They believed that a united and democratic China could be brought about only by exerting pressure on the Generalissimo in order to force him to offer the Communists reasonable terms. Underlying this line of policy was the assumption that the Nationalist government was not viable even with American support, which in their view could not be very extensive and would certainly not include armed intervention. Consequently the United States ought not to commit herself unalterably to the Nationalist regime but should instead try to maintain an independent position from which she could work with both sides. To promote the establishment of a coalition government including the Communists and to send them military supplies were means to cement American political contact with the Chinese Communists and to wean them away from Moscow.

Thus Hurley's policy and the proposals of the Foreign Service officers can be compared to two intersecting lines. They started from opposite appraisals of the relative strength of the Kuomintang and the Chinese Communists and from disparate views on the methods to bring about a united, democratic China. They met on the common point of the shared intermediate objective of establishing a coalition government. Then they diverged again toward two opposite destinations, with Hurley aiming at the strengthening of the Nationalist government and the two Foreign Service officers seeking a way to win the Chinese Communists over to the side of the United States, or, at least, to induce them to follow a policy independent of the Soviet Union.

The consensus on the desirability of bringing the Nation-

[6] For an authoritative account of American policy during this period, see Herbert Feis, *The China Tangle* (Princeton, 1953), pp. 178–225, 255–277, 290–303.

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alists and Communists together in a coalition government arose out of traditional principles, war-time military necessity, and postwar hopes.[7] Practical needs of policy produced the wish which was the father to the thought that the Chinese Communists were anything but dedicated Communists. But this notion was also congenial to the American ways of thinking about politics. The converging impact of practical necessity and political predisposition was so powerful that there were only very slight differences between Hurley and Service and Davies in their judgments on the nature and intentions of the Chinese Communist Party. In his reports in late 1944 and early 1945, Hurley told Washington that "the Communists are not in fact Communists" [8] and that "the Russian government does not recognize the Chinese Communist Party as Communists at all." [9] In his reports to President Roosevelt he used time and again the phrase "so-called Communists." [10] In a memo entitled "How Red are the Chinese Communists?," Davies reported on November 7, 1944 from Yenan:

> The Chinese Communists are backsliders. . . . Like the other eminent backslider, Ramsay MacDonald, they have come to accept the inevitability of gradualness. . . . Yenan is no Marxist New Jerusalem. The saints and prophets of Chinese Communism . . . lust after the strange gods of class compromise and party coalition, rather shamefacedly worship the golden calf of foreign investments and yearn to be considered respectable by worldly standards. All this is more than scheming Communist opportunism.[11]

7 See *infra*, pp. 598–99. For a detailed analysis, see the author's forthcoming book, *America's Failure in China, 1941–1950*, to be published by the University of Chicago Press.

8 Department of State, *United States Relations with China* (Washington, 1949), p. 86. Hereafter cited as *U. S. Relations with China.*

9 United States Congress, Senate, The Committee on Armed Services and the Committee on Foreign Relations, *Hearings on the Military Situation in China*, 82nd Congress, 1st Session (1951), p. 2909. Hereafter cited as *Military Situation in the Far East.*

10 Telegram dated September 23, 1944, quoted in Charles F. Romanus and Riley Sunderland, *Stilwell's Command Problems* (Washington, D. C., Government Printing Office, 1955), p. 450. Telegram dated October, 1944, reprinted in *Military Situation in the Far East*, pp. 2879–2887.

11 United States Congress, Senate, Committee on Foreign Relations, *Hearings on State Department Employee Loyalty Investigation*, 81st Congress, 2nd

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In a report sent from Yenan on September 8, 1944, Service wrote:

> . . . the Communist Party becomes *a party seeking orderly democratic growth toward socialism,* as is being attempted for instance, in a country like England, rather than a party fomenting immediate and violent revolution. It becomes a party which is not seeking an early monopoly of political power but pursuing what it considers the long-term interest in [*sic*] China. . . . [12]

This misjudgment led Hurley, Davies, and Service to believe that it was possible and advisable to bring together the Chinese Communists and the Nationalists in a coalition government. For Hurley, it meant that Moscow would not support the Chinese Communists and that without Russian support they would "eventually participate as a political party in the National government." [13] For Service, it formed one of the reasons for his belief that:

> The Communists would undoubtedly plan [play?] an important part in a genuinely unified China. . . . But it is most probable that such a democratic and unified China would naturally gravitate toward the United States and that the United States, by virtue of a [*sic*] sympathy, position and economic resources would enjoy a greater influence in China than any other foreign power.[14]

Or as he told the Loyalty Security Board in 1950, "there was a good chance" that a coalition government with the Com-

Session (1950), p. 1436. Hereafter cited as *State Department Employee Loyalty Investigation.*

12 *Ibid.,* p. 2127. Italics added. Service, however, never characterized the Chinese Communists as "agrarian reformers" or used the generally accepted term "so-called Communists." *Ibid.,* pp. 1373, 1332, 2021.

In carefully scrutinizing all of Service's reports at the request of the Loyalty Security Board of the State Department, George Kennan, counselor of the Department, wrote in his notes: "Should be noted the CA's [that is, The Division of Chinese Affairs] comments in the Department on Service's reporting consistently put Communist in quotation marks implying something distinct from the Soviet brand. No evidence of this attitude has yet appeared in any of Service's work." *Ibid.,* p. 2488.

13 Hurley's report to the Department of State, in early July, 1945. *U. S. Relations with China,* p. 100.

14 Memorandum by Service, April 7, 1944, *State Department Employee Loyalty Investigation,* p. 1979.

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munists as the strongest force would be "the kind of government that we might be able to work with, that would not swing completely to the other side." [15] Davies was realistic enough to recognize that if the Russians were to enter North China and Manchuria, it would be impossible for the United States to win the Communists over entirely. But he was hopeful that through control of supplies and postwar aid the United States could exert considerable influence in the direction of Chinese nationalism and independence from Soviet control.[16]

Ignorance of Communism

Hurley's dictum that "the Chinese Communists are not in fact Communists" stemmed from his ignorance of communism. This source of Hurley's mistake was plainly revealed by his testimony in the MacArthur hearings in 1951. In trying to justify his analysis of the nature of Chinese Communism he declared:

> I knew communism as it existed in Russia. I couldn't buy a nickel's worth of anything, anyplace [*sic*] except from the Soviet government. Now I go up into the Communist area of China, for conferences with Mao Tse-tung, Chou En-lai, . . . but what do I find? . . . I find the stores open, the stock market open, the highest bidder getting the property, money being exchanged, the profit motive in operation. Now when anybody tells me that this is communism, I know that they are mistaken.[17]

Hurley's observations about economic life in Yenan were not wrong and his conclusion that the economy in Communist areas did not represent communism was correct. But the Chinese Communists themselves would have wholeheartedly agreed with him on this point. For Mao Tse-tung had defined the Chinese society during the Sino-Japanese war as "a colonial, semi-colonial and semi-feudal society." [18] The Communist revolution in such a society must go through two

[15] *Ibid.*, p. 2024.

[16] Report by Davies, November 15, 1944, *U. S. Relations with China*, p. 574.

[17] *Military Situation in the Far East*, p. 2903.

[18] Mao Tse-tung, "On New Democracy," in *Selected Works of Mao Tse-tung*, Vol. III (London, 1954), p. 108. Cited hereafter as *Selected Works*, III.

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stages: first, the bourgeois-democratic revolution, and secondly, the socialist revolution. The objective of the bourgeois-democratic revolution was "to clear the paths for the development of capitalism." [19] During this stage of their revolution, the Communists did not "forbid the development of capitalist production that 'cannot dominate the livelihood of the people' for China's economy is still very backward." [20]

What Mao insisted on in his writings and Hurley overlooked was that the Chinese revolution belonged to "the category of the *new* bourgeois-democratic revolution and formed part of the proletarian-socialist world revolution." [21] By the term "new bourgeois-democratic revolution" Mao referred to a revolution "under the leadership of the proletariat or a leadership in which the proletariat participates." [22] By the phrase, "forming a part of the proletarian-socialist world revolution," Mao meant that the revolutionary movements in colonies and semi-colonies "have become allies of the revolutionary front of world socialism." [23] Mao's assertions were merely a restatement of old-fashioned Marxism-Leninism. They rested on the Leninist distinction between the content and the class force of a revolution.[24] When Hurley judged the nature of the Communist Party by the nature of the economy in Yenan, he betrayed a total ignorance of Communist theory and practice.

Hurley's ignorance of communism was apparently both a cause and an effect of the insufficient attention given to Communist theoretical and polemical literature, particularly that written for the instruction of the faithful, and a corresponding over-reliance on what was told or handed out to the people outside the party, especially to foreign visitors and jour-

19 *Ibid.*, p. 111.

20 *Ibid.*, p. 122.

21 *Ibid.*, p. 111. Italics added.

22 Mao Tse-tung, *Hsin min-chu-chu-i lun* [On New Democracy] (San Francisco, 1945), p. 8. In the *Selected Works* there is a significant change in phraseology. The new bourgeois-democratic revolution is characterized as "led by the proletariat" and the phrase which weakens the Communists' claim to exclusive leadership is eliminated. *Selected Works,* III, p. 112.

23 *Ibid.*, p. 111.

24 For an able discussion of this distinction, see Benjamin Schwartz, *Chinese Communism and the Rise of Mao* (Cambridge, 1952), pp. 58, 78. See also, Alfred G. Meyer, *Leninism* (Cambridge, 1959), Chap. 6.

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nalists. At that time, the Chinese Communists freely gave verbal endorsement to democratic principles and the principles of Sun Yat-sen, the founder and the first director-general of the Kuomintang. These were taken at their face value by Hurley. Hurley told Washington early in 1945 that the Chinese Communists "are striving for democratic principles."[25] On April 2, 1945, he told a news conference in Washington:

> You gentlemen should know, though—I believe you all do know that it is a matter of common knowledge that the Communist Party of China supports the principles of Dr. Sun Yat-sen. That was generally referred to as the people's three principles of China. The three principles are government of the people, by the people, and for the people. All the demands that the Communist Party has been making have been on a democratic basis. That has led to the statement that the Communist Party in China are [*sic*] not, in fact, real Communists. The Communist Party of China is supporting exactly the same principles as those promulgated by the National Government of China and conceded to be objectives also of the National Government. . . . Well, as a matter of fact, the divergence between the parties in China seems to be not in the objective desired because they both assert that they are for the establishment of a government in China that will decentralize authority and conduct itself along democratic lines, employing democratic processes. The divergence between them is the procedure by which they can be achieved.[26]

Hurley obviously did not realize that Mao had written in his *On New Democracy* that the establishment of a "new-democratic" society and a state under the "joint dictatorship of all the revolutionary classes" was merely the aim of his revolution in "its first stage."[27] Mao had declared without

[25] *U. S. Relations with China,* p. 86.

[26] Reproduced in *Military Situation in the Far East,* p. 2896.

[27] Mao Tse-tung, *Hsin min-chu-chu-i lun,* p. 8. In this Chinese version, Mao stated in another context, "The democratic republic of China which we now want to establish can only be a democratic republic under the *joint dictatorship of all parties and all factions.*" *Ibid.,* p. 16; italics mine. This sentence appears in the version cited by Brandt, Schwartz and Fairbank in the following form: "The democratic republic of China which we are aiming to construct now can only take the form of dictatorship of all *anti-imperialist and anti-feudal people,* i.e., a new democratic republic." Conrad Brandt, Benjamin Schwartz, and John K. Fairbank, *A Documentary History of Chinese*

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equivocation:

> Everybody knows that, as regards the social system or program of action, the Communist Party has its present program and its future program, or its minimum program and maximum program. For the present, New Democracy; and for the future, Socialism—these are two parts of an organic whole, guided by one and the same Communist ideology.[28]

As for Sun's Three Principles of the People, the Communists supported these principles merely for the bourgeois-democratic stage of their revolution, and, even for this period, they supported only their version of these principles.[29] Mao's political ideas were merely variations of the basic Marxist-Leninist themes and adaptations to local circumstances.

Actually in the several years preceding Hurley's remarks about the similarity between the basic principles of the two parties, the ideological differences between the Communists and the Kuomintang had been progressively sharpened as the political and military conflicts became increasingly acute. Mao's *On New Democracy* represented an attempt to provide a theoretical basis for the policy of competing with the Nationalist party for leadership, to emphasize the distinction between the programs and aims of the Communist Party and those of other groups, to restore ideological purity and doctrinal unity to the movement, and to formulate a clear-cut party line in the process of consolidating the Communist forces.[30] It was published at the time of what the Communists called "the first anti-Communist high-tide," during

Communism (Cambridge, 1952), p. 266; italics mine. In the *Selected Works,* there is the following sentence in its place: "The democratic republic under the *joint dictatorship of all anti-imperialist and anti-feudal people led by the proletariat,* that is, a new-democratic republic." Mao Tse-tung, *Selected Works,* III, p. 118; italics mine.

The Chinese version cited fitted the then Communist policy of setting up a coalition government better than the other two versions, while the latest phraseology, stating explicitly that the joint dictatorship was to be "led by the proletariat," that is, the Chinese Communist Party, probably reflected more faithfully their real aim at that time.

28 *Selected Works,* III, p. 131.

29 *Ibid.,* pp. 133–135, 139–140.

30 Brandt, Schwartz, and Fairbank, *op. cit.,* p. 260; *Hu Chiao-mu, Chung-kuo kung-ch'an-tang t'i san-shih-nien* [Thirty Years of the Chinese Communist Party] (Peking, Jên-min ch'u-pan-shê, 1951), pp. 430–440.

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which Nationalist forces allegedly launched a coordinated attack on the Communist areas.[31]

On their part, the Nationalists had been seeking to combat the ideology of communism by advocating a return to the traditional values and a revival of Neo-Confucianism. To the doctrine of class struggle, the Kuomintang opposed the doctrine of universal harmony. To the specific programs of social and economic reforms adopted and advocated by the Communists, the Nationalists opposed the traditional rules of conduct—the "Four Cardinal Principles" of Propriety, Righteousness, Integrity, and Honor, and the "Eight Virtues" of Loyalty, Filial Devotion, Kindness, Love, Faithfulness, Justice, Harmony, and Equity. To the Communist program of rapid modernization, the Nationalists opposed the rebuilding of a national culture on the foundation of the basic elements of China's own civilization. While the Communists disseminated works on dialectical materialism, Bolshevik principles of organization, and Communist strategy and tactics, the Nationalists advocated the studying of Chinese classics.[32] The clash in ideologies reached a new height with the publication on March 10, 1943 of Chiang Kai-shek's *China's Destiny* and the Communist rejoinder, *A Critique of "China's Destiny,"* by Chen Po-ta, a leading Communist theoretician.[33] Clearly, there could not have been any similarity in basic principles. Hurley's disposition to ignore the ideological clash and deep social cleavage in China and his related tendency to see Chinese things in terms of an Amer-

[31] Hu Hua, *Chung-kuo hsin-min-chu-chu-i kê-ming shih (ch'u-kao)* [A History of the New Democratic Revolution in China (Preliminary Draft)] (Peking, Hsin-hua ch'u-pan-shê, 1950), pp. 199–200.

[32] Mary C. Wright, "From Revolution to Restoration: The Transformation of Kuomintang Ideology," *Far Eastern Quarterly* (August 1955), pp. 515–532. See also Arthur F. Wright, "Struggle vs. Harmony: Symbols of Competing Values in Modern China," *World Politics* (October 1953), pp. 31–44; and John K. Fairbank, *The United States and China* (Cambridge, Mass., 1949), pp. 249–259.

[33] Chiang Chung-chêng, *Chung-kuo chih ming-yün* [China's Destiny] (Changsha, China, Chung-kuo wên-hua fu-wu shê, 1943); Chiang Kai-shek, *China's Destiny and Chinese Economic Theory* (trans. Philip Jaffe [New York, 1947]), and Chiang Kai-shek, *China's Destiny* (trans., Wang Chung-hui [New York, 1947]); Chen Po-ta, *P'ing "Chung-kuo chih ming-yün"* [A Critique of "China's Destiny"] (Hsin-hua shu-tien, 1949); Chen Po-ta, "Chiang Kai-shek's 'China's Destiny,'" in *The Chinese Communists*, Stuart Gelder, ed. (London, 1946), pp. 250–290.

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ican image are clearly revealed in his famous remark: "The only difference between Chinese Communists and Oklahoma Republicans is that the Oklahoma Republicans are not armed." [34]

But Hurley's ignorance of Communism was not an isolated phenomenon. The hearings on the Institute of Pacific Relations in 1952 brought out another dramatic example. John Carter Vincent, who served as counselor in the Embassy at Chungking in 1942 and 1943, chief of the Division of Chinese Affairs in 1944, and director of the Office of Far Eastern Affairs in 1945–1947, told the McCarran Committee that he had not read any works of Mao Tse-tung or any other Chinese Communist leaders.[35] Nor had he read *The Communist Manifesto* by Marx and Engels, *State and Revolution* by Lenin, *Program of the Communist International and Its Constitution,* and *The Revolutionary Movement in the Colonies and Semi-Colonies, a Resolution of the Sixth World Congress of the Comintern.* He had never heard of Lenin's *Left Wing Communism: An Infantile Disorder,* or Stalin's *Foundations of Leninism* and *Problems of Leninism.*[36] He could not identify Georgi Dimitrov, the veteran leader of the Comintern and once its head, and thought that the Bulgarian Communist might have been a "Russian official." [37] Naturally, according to his own testimony, it was only some time during the Marshall mission to China in 1946 that he came to the definite conclusion that the Chinese Communists were Communists and part of the international Communist movement.[38]

[34] *Military Situation in the Far East,* p. 2421.

[35] United States Congress, Senate, Committee of the Judiciary, Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, *Hearings on the Institute of Pacific Relations,* 82nd Congress, 1st and 2nd Sessions (1951 and 1952), pp. 1745 and 1783. Hereafter cited as *Institute of Pacific Relations.*

[36] *Ibid.,* pp. 1689–1690, 1705. On April 18, 1947, Acting Secretary of State Dean Acheson informed Senator Walter George: "Vincent advised me that he has never even read the two documents under reference. [1) *The Program of the Communist International and Its Constitution,* and 2) *The Revolutionary Movement in the Colonies and Semi-Colonies, adopted as a resolution by the Sixth World Congress of the Comintern in 1928.*] I have never read them myself." *Ibid.,* p. 4541.

[37] *Ibid.,* p. 1957.

[38] *Ibid.,* p. 1708.

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Ignorance of Democracy

If Hurley and Vincent provide us with the most dramatic examples of American ignorance of communism in the first half of the forties, some statements made by John S. Service give us the uncomfortable feeling that he was ignorant of the essence of democracy and the theoretical foundations of the political system in his own country. This ignorance contributed to his misjudgment of the nature of the Chinese Communist Party. In one of his most unguarded statements, Service wrote: "The Communist political program is democracy—advancing from the field of theory to that of practice, the Communist political program is simply democracy. This is much more American than Soviet in form and spirit." [39]

In Service's mind, a government which enjoyed popular support and promoted the interests of the majority was a democracy. Since the Communists enjoyed popular support and were apparently looking after the interests of the majority, there was democracy, or, at least, a tendency toward democracy in the Communist areas. Of democracy and popular support, Service wrote: "This widespread popular support enjoyed by the Communists must, under the circumstances in which it has occurred, be considered a practical indication that the policies and methods of the Chinese Communists have a democratic character." [40]

Of democracy and promotion of the interests of the people, Service stated:

> The conclusion therefore seems justified that the peasants support, join and fight with the Communist armies because they have been convinced that the Communists are fighting for their interests, and because the Communists have created this conviction by producing some tangible benefits for the peasants.
>
> These benefits must be improvement of the social, political and economic condition of the peasants. Whatever the exact nature of this improvement, it must be—*in the broad-*

[39] *State Department Employee Loyalty Investigation,* p. 1365. He also wrote: "The Communists have used their influence in a democratic way to further democratic ends." *Ibid.,* p. 2080. "The policies of the Communist party have been democratic and there is little which under the circumstances can be called undemocratic." *Ibid.,* p. 2085.

[40] *Ibid.,* p. 1328

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est sense of the term as serving the interests of the people—toward democracy.[41]

It is clear that Service failed to see that a totalitarian movement or government can sometimes stir up intense popular enthusiasm and serve the interests of the majority and that a system of elections can be nothing more than a tool to foster a sense of participation among the masses. Modern totalitarianism differs from traditional absolutism in manifestly placing a high value on widespread popular support and may often succeed in obtaining it.[42] What distinguishes the popular support for a totalitarian government from that for a democracy is the different manner in which they are created —in one case there is a monopolistic control by one party over all effective levers of power, and, in the other, there is more than one center of power competing for the consent and support of the governed through constitutional process.

No one can deny that in 1944 and 1945 when Service wrote the bulk of his reports, the Communists enjoyed widespread popular support in the border regions and guerrilla bases. The Communists knew that only popular support enabled them to survive Japanese attacks and to contest the control of the Nationalist government. In order to generate popular support, it was imperative for them to adopt policies that actually promoted the interests of the people and secured their unswerving loyalty. The more hard pressed the Communists were, the more assiduously they had to court popular support. It is therefore not without reason that the efficiency and general standard of government were lower in Yenan, a relatively safe base, than in the front line areas.[43] It was

[41] *Ibid.*, p. 1361. Italics added.

[42] Hans J. Morgenthau, "The Dilemmas of Freedom," *American Political Science Review* (September 1957), pp. 717–718; Carl J. Friedrich and Zbigniew K. Brzezinski, *Totalitarian Dictatorship and Autocracy* (Cambridge, 1956). Since Service failed to understand this particular feature of modern totalitarianism, he could not explain the popular support enjoyed by the Communists except by attributing to them a democratic orientation. "We cannot yet say with certainty that the Communist claims of democratic politics are true, but that they are at least partially true is the only reasonable explanation of the popular appeal which the Communist armies have shown." *State Department Employee Loyalty Investigation*, p. 1372.

[43] Affidavit of Lord Lindsay of Birker (Michael Lindsay), *Institute of Pacific Relations*, p. 5372.

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also not accidental that many of the policies, movements or measures which were to win the praise of American observers were either inaugurated or effectively and seriously implemented during the period of 1941–1942 when the Japanese "mopping-up" campaigns confronted the Communists with the gravest crisis in all the years of the Sino-Japanese war.

It was in 1941 that the Communists began seriously to reorganize the governments in the border regions and guerrilla bases in accordance with the so-called "three-thirds system" under which the Communists would occupy no more than one third of the positions in governmental organs and elective bodies on all levels, the other two thirds being divided between "Kuomintang" members and other political elements. In this period of 1941–1942, the Communists also effectively implemented their policy of rent and interest rate reduction, set up a unified system of progressive taxes, lowered the amount of grain collection from the peasants, reduced the number of government employees, removed the incompetent cadres from office through "elections" and generally improved the administrative efficiency of their governments.[44] The true nature of the elections in Communist areas is revealed in a Communist history of this period: "The elections in the guerrilla bases became a mass movement to unite all anti-Japanese people."[45] The intra-party movement for the "rectification of the style of work" was also part and parcel of the Communist response to the grave challenge. It had two features which at first glance appeared to conflict with each other: the emphasis on the necessity of adapting Marxist-Leninist theory to Chinese conditions, and the rigorous application of the Leninist concept of the Party as a highly centralized, highly disciplined elite.[46] American observers generally directed their attention toward the former characteristic which the Communists themselves stressed in

[44] *K'ang-jih chan-chêng shih-ch'i chieh-fang chü kai-k'uang* [The General Conditions of the Liberated Areas during the Anti-Japanese War]. pp. 3, 11, 12, 31–33, 62–65, 103–104. See also Hu Hua, *op. cit.*, p. 223; Hu Ch'iao-mu, *op. cit.*, p. 46.

[45] *K'ang-jih chan-chêng shih-ch'i chieh-fang ch'ü kai-k'uang* [The General Conditions of the Liberated Areas during the Anti-Japanese War], p. 32.

[46] Brandt, *et al.*, *op. cit.*, pp. 372–419. See also Boyd Compton, *Mao's China: Party Reform Documents, 1942–1944* (Seattle, 1952).

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their talks with outsiders. They were quite unaware of the second feature which was hidden to untrained eyes.[47]

By 1944, when the American correspondents and the Army Observer Mission, which Service accompanied, visited the Communist areas, these reforms had been pushed forward for another two years and the Communists had entered another new phase of expansion. Consequently, the dynamism, hopefulness, self-reliance and dedication to a cause in the Communist areas contrasted sharply with the gloom, stagnation, despair and selfishness in Nationalist China. Against this background, it is understandable that American observers were enchanted by the political atmosphere of Yenan. Furthermore, in the special circumstances under which the Communists extended and consolidated their authority, their monopolistic hold on all effective levers of power appeared natural to most American observers. In most instances in the early years of the Sino-Japanese War, the Communist armies flowed into the political void created by the defeat of the Nationalist troops at the hands of the Japanese armies. In all the border regions and guerrilla bases, there was no organized political opposition and only in the Shansi-Hopei-Charhar was there a nominally Kuomintang organization which nevertheless collaborated with the Communists in an area under their indisputable control. All those opposed to the Communists found refuge in the Japanese held cities and towns. Those who remained in the Communist areas or went back voluntarily were ready to cooperate with them.

Service himself vividly portrayed these conditions for the political success of the Communists in his report entitled, "The Development of Communist Political Control in the Guerrilla Bases," which even today makes fascinating reading. Service recognized that "the actual situation, therefore, is that no strong opposition has developed to the Communists and they have remained the indisputably dominant political factor." [48] In this report and elsewhere, he pointed out that

[47] See, for example, Service Report, No. 34, "The Orientation of the Chinese Communists toward the Soviet Union and the United States," *Institute of Pacific Relations*, pp. 5420–5422.

[48] Service memo dated September 10, 1944, "The Development of Communist Political Control in the Guerrilla Bases," *State Department Employee Loyalty Investigation*, pp. 2080–2085. The quotation was taken from p. 2083.

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popular support was indispensable to the Communists in their fight for survival against Japanese assaults and in their struggle for control over all China.[49] Service wrote:

> The Communist leaders stress the importance and precedence of these measures: *first and basic,* limited rent-interest reduction to win the active support of the peasants, who are the bulk of the population; *second,* democratic self-government to bring all classes, particularly the landlord-merchants into active participation and hence support of the government. This conception of the importance of *democracy as a means of obtaining the participation and support of the capitalist groups* is interesting and significant in the study of present and probable future Communist policies. They have no illusions that China can hope to build a proletarian state in anything like the near future.[50]

But Service's insufficient grasp of the distinction between democracy in the West and "democracy" as a means to obtain popular support prevented him from drawing the proper conclusion from his valid observations. Service also did not lay sufficient stress on the commonplace that modern democracy cannot exist without more than one party or without those conditions which make possible the development of an effective opposition party. Hence the following somewhat self-contradictory statement appeared in his report: "This institution of political democracy [in the Communist areas] has not, however, been accompanied by political development along definite party forms." [51]

The Tendency to Understand the Chinese Struggle for Power in American Terms

American officials and writers were confronted with a socio-political revolution in China which had already assumed the form of local, limited military conflict. But they were the heirs of a political tradition which had been insulated from experience of social revolution and continuous and deep social cleavages.[52] The American Civil War was, in the words

49 *Ibid.,* p. 1362. See also *U. S. Relations with China,* p. 566.

50 *State Department Employee Loyalty Investigation,* p. 2082. Italics added.

51 *Ibid.,* p. 2083.

52 Hartz, *op. cit.,* pp. 305–306.

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of Daniel J. Boorstin, considered to be "a sectional struggle" and "a struggle within a well-established working federal scheme." [53] Whatever its deeper causes, it did not interrupt the American political tradition or the continuity of American thinking about institutions. Whatever may have been the real nature of the issues leading to its eruption, the controversy has generally been interpreted as one which assumed rather than called into question the basic moral and political values. Such protest movements in the United States as American Progressivism were, to use the words of Richard Hofstadter, "not nearly so much the movement of any social class, or coalition of classes, against a particular class or group as it was a rather widespread and remarkably good-natured effort on the greater part of society to achieve some not very specified self-reformation." [54] This lack of an experience of social revolution and the absence of deep social cleavage further obscured the tacit agreement on basic principles which underlay and rendered possible the tremendous success of American democracy. It gave currency to the idea, as John H. Hallowell describes it, that "compromise is not only a self-sufficient political ideal but the distinguishing and essential characteristic of democracy as a form of government." [55] It also tended to lead Americans to forget that a constitutional political life can only flourish after the irreconcilable conflicts of principles and the life-and-death struggle for domination have been settled by force and after the resort to violence is no longer equally open to both sides.

With these predispositions, American observers and commentators looked at China, a country which is particularly difficult for Westerns to understand precisely because of her rich cultural heritage and long history. They tended to define and reconstruct Chinese things in terms of an American image and to judge Chinese affairs by American standards—a natural tendency of all peoples which was aggravated in the United States by the moral unanimity and uniformity of the American society.[56] Applying the liberal and progressive

[53] Boorstin, *op. cit.*, pp. 100–101.

[54] Richard Hofstadter, *The Age of Reform* (New York, 1955), p. 5.

[55] John H. Hallowell, *The Moral Foundation of Democracy* (Chicage, 1954), p. 27.

[56] Hartz, *op. cit.*, p. 302. See also p. 297.

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standards of a thoroughly patriotic American to the Chinese scene, Raymond Gram Swing told his listeners in a broadcast on May 11, 1943:

> . . . these [the Chinese Communists] are not *Marxist Proletarians,* these so-called Communists, they are *agrarian radicals,* trying to establish democratic practices and particularly to break up the great estates, so that the farm worker can have individual status and now own property. A word is in order about these *agrarian radicals.* They should not be called Communists, whatever their origin may be.[57]

Another liberal, Maxwell S. Stewart, an associate editor of the *Nation* who had lived in China for seven years, realized that "you can find in it [the Chinese Communist movement] resemblances to Communist movements in other countries." But, significantly, he stated, "You can also find resemblances to the grass-roots populist movements that have figured in American history." [58] After having visited Yenan and having talked with Mao Tse-tung in 1944, Harrison Forman, correspondent for the *New York Herald Tribune* and representative of the National Broadcasting Company in the Far East, concluded "the Chinese Communists are not Communists—not according to the Russian definition of the term . . . the Chinese Communists are no more Communistic than we Americans are." [59] An editorial in the March 13, 1944 issue of the *New Republic* reads: "They [the Chinese Communists] could more appropriately call themselves the Chinese democrats . . . Their main political objectives are: putting an end to landlordism and aiding education and industrialization." [60] In an editorial commenting on the recall of Stilwell, the *New York Times* said that the Chinese Communists

[57] "An Appraisal of Conditions in China by Raymond Gram Swing," *Amerasia* (September 1943), pp. 284–287. The whole script is reprinted in *Institute of Pacific Relations,* pp. 4286–4288. The quotation is taken from p. 4287. Italics added.

[58] Maxwell S. Stewart, *Wartime China* (New York, 1944), p. 45. According to *Who's Who in America,* Stewart lived in Shanghai from 1923 to 1925 and served as an instructor in Yenching University from 1926 to 1930.

[59] Harrison Forman, *Report from Red China* (New York, 1945), p. 177.

[60] *The New Republic* (March 13, 1944), p. 334. See also *The New Republic* (November 13, 1944), p. 616.

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are "in fact peasant agrarians." [61] Thus from the American liberal perspective, the Chinese Communist movement was simply the Chinese counterpart of the populist movement, a good-natured effort to achieve certain highly desirable reforms.

Given this understanding of the nature of Chinese Communism, it was not difficult for most of the American officials and observers to believe that the two sides could be brought together under a constitutional rule. Many of these observers and commentators knew, of course, that there were ideological and political differences between the Kuomintang and the Communists. But their conception of democracy did not rule out the possibility of bridging these differences by the establishment of a coalition government and a constitutional rule. For is not democracy simply "the process of clearing collective conflicts through a legislature," as one American philosopher suggested? [62] Had not the Chinese Communists "become versed in the democratic art of compromise," as Raymond Gram Swing said? [63]

Misunderstanding of Chinese Political Tradition and Chinese Character

Traditionally, the United States entertained benevolent sentiments toward China, held great hope for her progress, and took pride in America's moral influence.[64] These sympathetic attitudes facilitated the attribution to China of those favorable traits which the American people found in themselves. Individualism, moderation, and an inclination toward democracy were thought to be predominant features of Chinese culture which would either prevent the spread of Communism in China or change its nature. According to Secretary of State Hull, President Roosevelt on March 14, 1941 told Admiral Nomura, the Japanese Ambassador, that "the people of China were constituted very differently from those of Russia and had a philosophy that stabilized and

61 *The New York Times* (November 3, 1944), editorial, p. 18. See also *The New York Times* (November 6, 1944), editorial, p. 18.

62 T. V. Smith, *The Legislative Way of Life* (Chicago, 1940), p. 1.

63 Raymond Gram Swing, "An Appraisal of Conditions in China," *Institute of Pacific Relations*, p. 4287.

64 Harold Isaacs, *Scratches on Our Minds* (New York, 1958).

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guided them along much broader lines." He reassured the Japanese Ambassador that, to use Hull's words again, "China [Chinese Communism?] was not really communistic in the same sense as Russia, and Japan had an undue fear of Communism in China." [65]

Dr. Walter Judd, who later became one of the most outspoken Republican critics of the Truman-Marshall policy, wrote in September, 1942:

> You could persuade Herbert Hoover, J. P. Morgan, and Winston Churchill to be Communists as easily as you could persuade a land-owning Chinese peasant, whose ancestors have lived on one piece of land for centuries, to take the only tangible thing he has and dump it into a common pot just on the promise that around the corner will be something better.[66]

Even in 1950, Professor Owen Lattimore told the Tydings Committee that he did not despair of the possibility of "a democratic success in China." For "despite the relatively backward state of their country, the Chinese people have a strong and rugged sense of individualism and democracy." [67] In 1951, General Wedemeyer still found it possible to express agreement with the view that the Chinese are individualists and "do not lend themselves, in a philosophic way, to the ideals or ideas of Marxism." [68] As late as 1957, Dr. John Leighton Stuart, the leading missionary educationalist in China and subsequently the American Ambassador in China from 1946 to 1952, who was beloved and respected alike by his Nationalist and Communist students when he was the President of Yenching University, still found it hard to believe that "China with so rich a cultural heritage could be

65 Cordell Hull, *Memoirs* (New York, 1948), Vol. II, p. 990.

66 Walter Judd, "Behind the Conflict in the Pacific," *Journal of National Education Association* (September 1942), p. 169. In order to put President Roosevelt's and Dr. Judd's remarks in the proper historical context, one must point out that Roosevelt was trying to refute Japan's argument that her actions in China were motivated by a desire to check the spread of Communism in East Asia, and that Judd was endeavoring to show that American support for China against Japan would not lead to a Communist China after the war. But judging from the climate of opinion at the time, it is reasonable to believe that their remarks also represented their genuine conviction.

67 *State Department Employee Loyalty Investigation,* p. 440.

68 *Military Situation in the Far East,* p. 2364.

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ruled by Bolshevism too long." He still had faith in the idea that "the mainland of China is not irretrievably lost." [69]

The Immaturity of the Writings of Some of the Experts

The general misconceptions about the nature and intentions of the Chinese Communists were not challenged by the experts in the Far Eastern field. As a matter of fact, some of the most influential scholars in the field shared and promoted many of these misunderstandings. The writings of T. A. Bisson and Owen Lattimore on policy questions can be taken as conspicuous examples. These two influential authors were specialists on the Far East. In one sense, their misconceptions cannot be attributed to the tendency to understand Chinese things in terms of an American image.[70] In their

[69] John Leighton Stuart, "Introduction," to Tien-fong Cheng, *A History of Sino-Soviet Relations* (Washington, 1957), p. 5. In contrast to this line of thinking, Professor John K. Fairbank of Harvard indicated in an article published in the September, 1946, issue of *The Atlantic Monthly* that the Chinese political tradition was authoritarian and that the totalitarian nature of Communism was no bar to its success in China. John K. Fairbank, "Our Chances in China," *The Atlantic Monthly* (September 1946), pp. 37–50. Prior to the appearance of this article, Karl A. Wittfogel had raised some very poignant questions about the nature of Chinese society in his pamphlet, *New Light on Chinese Society* (New York, 1938). This point of view has since been carried much further. Many writers have stressed elements in the traditional culture of China which facilitated the ascension to power by the Chinese Communists. See, for example, Conrad Brandt *et al., A Documentary History of Chinese Communism,* Introduction, pp. 11–27; Charles P. Fitzgerald, *Revolution in China* (New York, 1952); Fairbank, *The United States and China* (Cambridge, Mass., 1949): Franz Michael, "State and Society in Nineteenth Century China," *World Politics* (April 1955), pp. 417–433; and Benjamin I. Schwartz, *Chinese Communism and the Rise of Mao* (Cambridge, 1952). This trend of thought has reached an extreme in Karl A. Wittfogel, *Oriental Despotism* (New Haven, 1957). See also Karl A. Wittfogel, "Chinese Society: A Historical Survey," *Journal of Asian Studies* (May 1957), pp. 343–364.

[70] Mr. Lattimore prided himself for his deliberate efforts to understand political questions in other countries in the light of their specific conditions and from the point of view of the peoples there. Testifying before the Tydings Committee, he stated: "When I have dealt with, analyzed and discussed political questions in China, Mongolia, et cetera, I have always started, tried to start from the base line, what is this country, what are these people; second, what is going on in this country; third, is tendency A or tendency B the stronger one in this country." *State Department Employee Loyalty Investigation,* p. 849. In his *The Making of Modern China,* he wrote: "When we want to make up our minds whether we ought to call another country 'democratic,' we quite naturally begin by comparing it with our own democratic country. Has it got the same institutions that exist in our own coun-

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case, ignorance and naivete about international communism were reinforced by their lack of a set of adequate conceptual tools for the analysis of the general situation in China and the issues confronting the United States. It is true that within the area of their specialization, they mastered their problems. T. A. Bisson's study of *Japan in China* is an able piece of work. In his *Inner Asian Frontier of China,* Lattimore applied a set of fairly interesting concepts to analyze a wealth of empirical data. But unfortunately, when they reached out into the general area of China and American foreign policy, their writings were not characterized by the same level of competence. Lacking a firmly rooted intellectual orientation and a tight grasp of the essentials of foreign policy, they were, in their semi-scholarly writings, influenced more by the changing political currents at the time than by a determination to reach an independent judgment.

In his controversial article, "China's Part in a Coalition War," T. A. Bisson dismissed the generally used terms "Kuomintang China" and "Communist China" as "only party labels." He averred that "to be more descriptive, the one [Kuomintang China] might be called *feudal* China; the other, *democratic* China. These terms expressed the actualities as they exist today, the real institutional distinction between the two Chinas." [71] After a description of the various social, economic and political reforms in Communist areas, he concluded: "By no stretch of the imagination can this be termed Communism; it is, in fact, the essence of *bourgeois* democracy, applied mainly to agrarian conditions." [72] Commenting on Bisson's concepts of "feudal China" and "democratic China," Professor John K. Fairbank told the McCarran Committee: "Now in retrospect I do not support his [Bisson's] use of these terms, 'democratic' and 'feudal'. Those are

try? Has it got the same kind of procedure for seeking that the will of the majority is carried out, and the same safeguards for seeking that the rights of minorities are protected? If it has not, we hesitate to call it a democracy. . . . This way of looking at things can often lead to misunderstandings." Owen and Eleanor Lattimore, *The Making of Modern China* (New York, 1944), p. 183.

[71] T. A. Bisson, "China's Part in a Coalition War," *Far Eastern Survey* (July 14, 1943), p. 138. Bisson's italics.

[72] *Ibid.,* p. 139.

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cliche terms. He may have picked them up from Communist inspiration or stimulus to him." [73]

Mr. Lattimore's writings on the current problems of China and American policy toward Asia also betrayed the same disconcerting lack of theoretical insights as Bisson's. Although he never called the Chinese Communists "agrarian reformers," his discussion of the nature of the Chinese Communist movement was misleading. He confused the exploitation of the rural discontent by a tightly organized elite with a peasants' movement. He wrote: "During the ten years of civil war the Communists, cut off from city and urban workers, had become a peasant party." [74] He mistook the popular support given by the various social strata to the Communists for the sharing of the control of the Party by these interest groups. He concluded: "From being a one-doctrine party, they were tending to become a coalition party." [75] He equated the measures taken by the Communists to give popular participation in governmental work with democracy. He praised the Communist one-in-three system of limiting membership in various governmental organs as "the most positive step yet taken in China by any party away from dictatorship and toward democracy." [76] This adulation was perfectly consistent with his concept of democracy. For he condemned the "habit of taking a narrow view of foreign claimants to the status of democracy." [77] To him, "What moves people to act, to try to line up with one party or country and not with another, is the difference between what is more democratic and less democratic in practice." [78] In other words, democracy was identical with popular support enjoyed by a party or na-

[73] *Institute of Pacific Relations*, p. 3801. For a good brief survey of the use of the "feudal" concept of Chinese Marxists, see Benjamin Schwartz, "A Marxist Controversy of China," *Far Eastern Survey* (February 1954), pp. 143–153. See also Karl A. Wittfogel, "The Influence of Leninism-Stalinism on China," *Annals* (September 1951), pp. 23–24; and Karl A. Wittfogel, *Oriental Despotism*, pp. 409–410, p. 410 note h.

[74] Owen Lattimore, *Solution in Asia* (Boston, 1945), p. 108.

[75] *Ibid.*

[76] *Ibid.*, p. 109.

[77] *Ibid.*, p. 139.

[78] *Ibid.*, pp. 139–140.

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tion.[79] According to this logic, the Chinese Communist Party could be the creator of a system of democracy and the Soviet Union could be called a democratic nation.

For one reason or another, Mr. Lattimore's writings betray an instability in judgment. In *The Making of Modern China,* published in 1944, he obviously still considered Nationalist China "democratic" in the sense that "the Party, the Kuomintang and the government [the Nationalist government] represent what the vast majority of the people want." [80] He praised the beginnings made by the Kuomintang "to permit political expression through channels other than those of Kuomintang itself" and the mitigation of the Kuomintang "monopoly of political action and political expression" by various measures taken by the government. Yet in his *Solution in Asia* published in 1945, he made an entirely different appraisal of the Kuomintang and the Chinese Communist Party. Now he said that the Kuomintang had been transformed "from a coalition of interests toward a monopoly of one interest," from "a coalition party" to a "landlord party." [81] Instead of Nationalist China or China as such, it was now the Communist Party that moved "toward democracy." [82]

Lattimore's use of the term "peasant party," "landlord party," and "coalition party" reflected an influential approach in American political science which emphasized the study of interest groups as the most dynamic forces in politics, treated the government and the party as organs mainly responding to their activities and analyzed party program and governmental policies as the resultant of conflicting or parallel pressures.

79 This interpretation of Mr. Lattimore's concept of democracy is supported by another passage in *The Making of Modern China:* "China is a democratic country in the sense that the Party and the government represent what the vast majority of the people want." Owen and Eleanor Lattimore, *The Making of Modern China,* pp. 182–183.

80 *Ibid.* Freda Utley asserted that this book was written in 1942 and published in early 1943. Freda Utley, *The China Story* (Chicago, 1951), p. 192. The date of publication is crucial to her purpose of proving that Lattimore followed the Party line toward Kuomintang which changed in the summer of 1943. She may have other evidence to support her contention, but a check of the Library of Congress Catalogue shows that the first edition was published in 1944.

81 Lattimore, *Solution in Asia,* pp. 107–108.

82 *Ibid.,* p. 109.

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Whatever merits this approach had for a study of American politics, it could not be applied to modern China where, so far as "interest groups" existed, they owed their political organization and cohesiveness largely to the leadership of the political parties and the government, and where, after the breakdown of the traditional social structure, the "gentry" had lost their former political functions and the peasantry had become a social force to be exploited and manipulated by political groups and individual leaders. Thus, basically, Lattimore was still trying to analyze Chinese politics in American terms, in spite of his avowed intention to understand political questions in other countries from the point of view of the peoples there. In the writings about Chinese politics at this time, one searches in vain for the view that a Communist Party based on Leninist principles is a tightly organized and highly disciplined group of professional revolutionaries, aiming at the seizure of power whenever possible, exploiting mass discontent from whatever sources at hand, and employing a multiplicity of means and utilizing a variety of institutional forms to achieve its purpose. It was not widely understood that the totalitarian character of the party arises both from its aspiration for total power, so necessary for the realization of its highly ambitious program of drastic institutional change, and from its organizational principles which make it a force altogether outside the interest groups, manipulating them without being dominated by them. The ability of a tightly organized and rigorously disciplined elite under an able leadership to make flexible choice of slogans and means in its endeavors to capture power was a political fact which American specialists, trained and immersed in the liberal, democratic environment of a free society, failed to take adequately into account. When the specialists failed to discharge their function of providing intellectual leadership, the American officials and men of affairs became susceptible to the influence of the writings of such authors as Edgar Snow and Lawrence K. Rosinger, who had different axes to grind.[83]

[88] With regard to Snow, I am referring specifically to the two following articles: Edgar Snow, "Sixty Million Lost Allies," *Saturday Evening Post* (June 10, 1944), pp. 12–13, 44–46; and "Must China Go Red?" *Saturday Evening Post* (May 12, 1945), pp. 9–10, 76–70. His earlier writings fall into a different category.

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But in order to remind ourselves of the climate of opinion at the time, it must be pointed out that even some of the staunchest advocates of the Nationalist cause in later years were under similar illusions about the Chinese Communists, at least for a time. If any Western observer in China could have detected the true nature of the Chinese Communist movement at the time, such a person could only have been Freda Utley. She had been a member of the British Communist Party, married a Russian citizen, lived for six years in Moscow, worked in a research agency of the Soviet government, and became completely disillusioned with Communism.[84] Later, in 1951, she was to write the most forceful and systematic book justifying Senator McCarthy's crusade against the State Department and Owen Lattimore on the question of China policy.[85] Yet in her book *China at War,* published in 1939, she characterized the Chinese Communist Party as "a party of social reformers and patriots" [86] and Chinese Communism as "a movement of peasant emancipation." [87] According to her, the aim of the Chinese Communists "has genuinely become social and political reform along capitalist and democratic lines," [88] and they had become "radicals in the English ninteenth-century meaning of the word." [89] Representative Walter Judd, once a medical missionary in China and a most influential supporter of the Nationalist government, obviously shared similar misconceptions at one time. As he admitted in a speech in the House on March 15, 1945, "I, too, was taken in for a time by the talk of their being just agrarian reformers, just Chinese patriots struggling only for freedom of China and for democracy." [90] Thus, very few persons were right on the nature and intentions of the Chinese Communist Party, although in the political arena, many were willing to throw the first stone.

84 Freda Utley, *The China Story* (Chicago, 1951), p. 210.

85 *Ibid.*

86 Freda Utley, *China at War* (London, 1939), p. 251.

87 *Ibid.*, p. 252.

88 *Ibid.*, p. 254.

89 *Ibid.*

90 *Congressional Record,* 79th Congress, 1st Session, 1945, Vol. 91, Part 2, 2298.

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The Perfect Harmony between the American Image of Chinese Communism and Some Widely Shared Practical Considerations, Attitudes, and Predispositions

After the collapse of the Nationalist government in China, the discussion of China policy was thrown into confusion by the attempt to hunt out American conspirators in China and in the United States who had supposedly misled the United States in order to serve their foreign masters. This proved to be a most hazardous, fruitless and harmful endeavor. Actually, such a widely accepted misconception could not have been the product of a group of conspirators and agents. Instead, the misunderstanding of the nature and intentions of the Chinese Communist Party had its roots in some widely shared considerations, attitudes, and predispositions. It is easy to see that the comfortable notion of the Chinese Communists as agrarian reformers, sincere democrats and the like fitted perfectly well with the political and military considerations dominating the mind of American officials and opinion leaders in these years—the desire to utilize the military potential of the Chinese Communists, the hope of avoiding entanglement with Russia over China, and the wish to bring about a unified and democratic China as the stabilizing force in the Far East. These considerations were in harmony with the American aversion to engage in a rough political and military contest with other powers in Continental Asia. Likewise, it is not difficult to understand that the American image of Chinese Communism and the accompanying program to bring about a coalition government were rooted in the American political tradition which rested upon a unique consensus on basic values, tended to gloss over social cleavages and strengthened the natural tendency to look at alien things in one's own image. This American political tradition also led to a lack of interest in political theory and an ignorance about Communism which in turn contributed to the spread of the misconception. But the optimistic expectations of postwar Soviet cooperation, the naive view about the nature of Chinese Communism and the hope for the establishment of a coalition government in China had no basis in reality. Actions taken in accordance with these miscalculations could

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only bring about frustrations or create situations inimical to American interests.

The Present and the Future

The inevitable miscarriage of President Roosevelt's grand design for postwar cooperation with the Soviet Union and the progressive intensification of the cold war have brought about an increasing emphasis on the importance played by ideology in influencing Soviet behavior, as evidenced by the works of George Kennan, Philip Mosely, Henry L. Roberts, Zbigniew Brzezinski and Elliot R. Goodman. The wartime solicitude for the security of the Soviet Union as a nation-state has been replaced by full awareness of the operational significance of the ultimate Marxist goals and assumptions. The establishment of the Sino-Soviet alliance in 1950, the Chinese intervention in the Korean War and the mounting tension between Peiping and Washington have given rise to a recognition of the ideological component of Chinese Communist foreign policy, for example, in the works of Allen Whiting, A. Doak Barnett and Howard Boorman. The anticipation of Chinese Titoism has been succeeded by an expectation of Communist China's continued hostility toward the United States.

The national crisis and the challenge of an alien ideology have turned American attention outward to world problems but the American mind inward to an examination of her own political tradition. The acceleration in the decline in the American sense of "givenness" has found expression in the growing interest in political philosophy and social theories. The current quest for a definition of American purpose is a clear recognition that ideals constitute the fundamental foundation of American political life and should play a significant role in American foreign policy. The recent interest in non-Western cultures marks the beginning of the awareness that alien things must be understood first in their own terms. The rediscovery of American ideals should, at least, give American domestic and foreign policies a direction and purposefulness which they have lacked. It should give encouragement to other nations when their purposes happen to coincide, at some specific points and at certain times, with American ideals. But the uniqueness of the American ex-

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periment in government raises the question of the extent to which the United States can serve as an example for others. Thus, a reaffirmation of America's uniqueness must accompany a quest for American purpose so that the United States can view with sympathetic understanding developments abroad which conflict with her ideals and so that other nations will be encouraged to work out their institutions and destiny in their own way. While the rapid development in the fields of the social sciences is heartening and the search for universally valid concepts for the study of all societies is fascinating, one must, in the study of non-Western nations, also be infused with a sense of the uniqueness of their culture. All attempts to generalize must be preceded by an endeavor to understand the ideas, institutions and actions of other peoples as these are understood by the peoples themselves. It is in this direction that America must seek self-knowledge and the knowledge of others.

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Pricing Power and the Public Interest: A Study Based on Steel. By GARDINER C. MEANS. New York, Harper & Brothers, 1962.—xxi, 359 pp. $7.50.

Gardiner Means is not the most honored of American economists. He has never cultivated the refinements in economic theory and statistical technique that nurture professional reputations. He has been indifferent to academic gamesmanship (a neglect that has greatly contributed to the readability of his work). And he has paid the price of striving for originality in a discipline where anything very original is probably wrong. Still, one could make a good case that, for better or worse, Means is the most influential American economist of his generation. This is especially true if influence is measured by the impact of a man's writing on undergraduate textbooks or the frequency with which it appears on college reading lists. Can there be anywhere in this country a college graduate under age fifty who has not been introduced to the views of Berle and Means on the separation of ownership and control in the large corporation? The views of Means on the more narrowly technical subject of administered prices are not so widely known. Nevertheless they have inspired a vast amount of empirical and theoretical work and are somewhere expounded in every economics curriculum. In this book Means offers a synthesis of his two favorite themes.

While *Pricing Power and the Public Interest* mainly recapitulates, with second thoughts, the author's ideas already set down elsewhere, it does break new ground in two places. The peculiar behavior of prices in the steel industry is examined in considerable detail. And Means brings forward several policy recommendations that he has not previously discussed at length. The teacher of economic theory or statistics is not likely to be happy with this book since Means is often careless in his handling of details. (From the author's discussion of the alleged wastes of administered pricing in gasoline retailing, one could reasonably infer that he has never heard of the utilities of time and place.) He is, however, writing for a wider audience than economic theorists and statisticians. His book is entitled to be judged on the merits of its central argument which can be reduced to the following propositions:

1. Large corporations are efficient. "This book is written on the premise that big business is a good thing. It is here and here to stay" (p. xix).

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2. Large corporations possess substantial and enduring economic and political powers; and "central to these powers is power over price" (p. xix).

3. Large corporations deliberately restrict the rate of investment in order to secure high rates of return on their capital. This restraint is undesirable because (a) stockholders earn too much and other people too little, (b) the retardation of investment makes more difficult the task of maintaining full employment, and (c) organized workers, perceiving high corporate profits, are driven to demand a cut for themselves and so press for wage increases that may price some workers out of jobs.

4. The social performance of large corporations can be greatly improved by a few simple changes in the legal framework of business. Specifically, large corporations should be directed by law to aim at lower rates of return and their officials should be handsomely rewarded (mainly by special tax treatment) for successfully achieving the assigned target rates.

The first three propositions are by no means self-evident. If they were, the great majority of economists would be either ardent socialists or hopelessly corrupt defenders of the status quo. The fourth proposition is no more self-evident (assuming the first three to be true); but, unlike the others, it will be dismissed by most socialists and non-socialists alike as not worth debating. The proposal that large corporations shall be directed to aim at a reasonable rate of return is only a crude approximation to the "rule" long accepted by market-minded socialists that, in every industry, investment should be carried to the point where marginal social benefit equals marginal social cost. But socialists have never deluded themselves into believing that this goal could be attained without public ownership and the eternal vigilance of a powerful central planning commission. Non-socialists have either denied that the goal could be secured at all given the number of decisions involved, or they have asserted that its attainment would have an unacceptably high cost in the sacrifice of efficiency, experimentation, and personal liberty.

Nor can Means be given high marks for a good exposition of a bad thesis. The separation of ownership and control is posited as the distinctive feature of the large corporation and is continually noted throughout the book. Yet Means argues that large corporations seek anti-socially high rates of return because the compensation of managers is tied to corporate profits. If owners are somehow able to insure that managers seek high profits, they

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are perforce powerful people. If owners are so operationally impotent that they can be fobbed off year after year with a modest dividend and capital gain, then the rate of return in the large corporation is more likely to be too small than too large. For managers, being growth-minded, will plow retained earnings back into the firm at a greater rate than maximizes the yield on capital employed. Means cannot have it both ways. If the (allegedly) high rates of return earned by large corporations reflect stockholder pressure on managers, the "control" of management has no particular economic significance. If there is no such effective pressure, then the separation of ownership and control is a force that serves to depress the rate of corporate profit by raising the fraction of earning retained and so accelerating investment.

Still, one should not conclude a review of Gardiner Means on a carping note. He may not always see the distant shore clearly. But where the large corporation is concerned, he has seen it first and pointed it out to the rest of us.

DONALD DEWEY

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Men and Nations. By LOUIS J. HALLE. Princeton, Princeton University Press, 1962.—x, 228 pp. $4.75.

Louis J. Halle, a Professor at the Geneva Institute of Advanced International Studies, until the present book, has confined himself to treatises on foreign policy approached philosophically. *Men and Nations,* by contrast, is a full-scale venture into the realm of political philosophy. As such, it provides a counterweight to the bulk of the writing in political science and international relations. The main body of this literature abounds with descriptive, analytical and problem-oriented writings, but with a few notable exceptions, the reader searches in vain for studies that view the unprecedented problems of our age against the historic concerns of political philosophy. Against the mainstream of contemporary research, Professor Halle consciously set himself the task of defining an approach to political phenomena, examining its consequences for understanding the organization of political life in large-scale communities, and tracing the implications for the problems of governing mankind.

Socrates once noted that "the unexamined life is not worth living." Halle in sharing this conviction is conscious that every design for grappling with day-to-day problems is molded by philosophical assumptions often concealed from personal or public

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awareness. Without much dependence on the familiar scholarly apparatus of footnotes and authority, he endeavors to make explicit the cardinal tenets of what he describes as a dual philosophy, comprising "a primary world of perfect ideas and an imperfect world which imitates it." Man's problem in constructing a political community is the conflict among those who in expressing the ideal at best "see through a veil darkly." Men, whether as individuals or in political societies, (in marked contrast to the organic society of the bees about which Maeterlinck wrote) cannot agree once and for all on the proper social organization for mankind. The historic debate over the content of natural law or of "right reason" merely illustrates the problem.

Yet this problem of the gulf between the ideal and the real need not drive the philosopher to abandon the realm of objective truth; he can point to the distinction between ideas and generalizations or between the *Logos* and the ideas in our minds. "The dual philosophy holds that, implicit in the order of nature from the beginning, there has been an idea of man that represents what he is intended to be. We ought to model ourselves on it, as Cicerco and others have affirmed. But we are able to apprehend it uncertainly at best, and cannot agree on it." Men's conflicting ideas or complex of ideas are at the heart of each community; they engender the conflicts that go on within and among communities and states. Professor Halle devotes himself to a rather full examination of the relationship between community and state. Communities as they develop seek more perfect realization in states, or in historical sequence the state may summon a community into being *ex post facto*. "The community is an association by likeness, the state by common organization."

The state, like the wind that bends the trees, can be neither seen nor touched—but is no less real for that. Men acting out the ideas of the state are its visible expression, but they are not the state, and philosophers through the ages have asked: "Who and what is the state?" In an earlier dynastic and aristocratic age, state and ruler could be equated, but today "the people" affirm their authority as sovereign.

Yet the troublesome issue that haunts us all is: How is this authority to be registered, and by what device can men record the collective will? Was the 43.9 per cent vote for the German National Socialists in 1933 a measure of the will of the German people? Or is the general will determined in another more basic way? Who speaks for the state and nation, and who represents the whole? In the West neither the party nor the fictional unity

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of all the people, whereby minority dissenters are denied a voice, is accepted for all time. Rather, the voice of the people is expressed through a series of practical choices that constitutional machinery makes possible and acknowledges. Professor Halle finds in the liberal conception of majority democracy as contrasted with Jacobinism, "which equates 'the people' with a part of the total population only," the best form of registering the will of the people.

The theme of Halle's book, then, is that men live in a tension between two worlds. Philosophers catch a vision of the ideal world; great statesmen are able to discipline this vision by knowledge of the imperfect world. Mankind makes progress toward a more perfect community—including ultimately a world community—through a deeper knowledge of the existential world, and through it, the *Logos*. Progressive revelation unfolds alike within organized religions, philosophies and statecraft. Thus those faithful to the precepts of the Old Testament moved beyond slavery and savagery; those who believed in liberty and equality within the American Republic could not forever deny these rights to the peoples of the Philippines. Ultimately ideas will be expressed in changing forms and patterns in a world community, particularly if mankind remembers that it lives in two worlds, or in Halle's metaphor, rides two horses. "But to keep them from moving too far apart we must master them both."

KENNETH W. THOMPSON

NEW YORK CITY

A Theory of Foreign Policy. By GEORGE MODELSKI. New York, Frederick A. Praeger, 1962.—xi, 152 pp. $5.00.

Studies of foreign policy tend toward a concentration on national resources and processes—the adequacy of governmental arrangements, the effects of interests, the role of ideology and tradition—or toward an emphasis on the events that occur in the international arena, of which conventional diplomatic history is the model. Mr. Modelski's study has the merit of bringing these two major realms together systematically. He proceeds to construct a theory of foreign policy by "formal deductive logic and the elaboration of analytical categories" (p. 1). The latter task takes up most of the first one-hundred pages of his book and leads to the conclusion that "*the determinants of a foreign policy are:* (1) *its four elements—its power-input, power-output, interests, and objectives; and* (2) *the foreign policies of other states*" (p. 101).

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The summary statement is at once comprehensive and succinct. The long route to it will, however, try the reader's patience. Mr. Modelski has a few words to say about the limits of decision-making approaches to foreign policy, the defects of national interest concepts, the importance of balancing power and commitment. On such matters, fuller and more incisive analyses are both easily available and wholly familiar to serious students of foreign policy. At times, moreover, strangely elliptical statements appear. "A nation without friends counts for little in the society of states" (p. 31). Did Hitler's Germany or does the Soviet Union have "friends"? One could well say "no" but could never argue the unimportance of those states internationally. More precisely, while the importance of a country may be enhanced by "friendships," it is not necessarily destroyed by their absence. At other times, the statements made are commonplace without, however, being wholly true. "Governmental organizations can exist only in a space that is not occupied by any other governmental organizations" (p. 29). Some of the more interesting and important instruments of coordination and arrangements for cooperation in Western Europe are thus left aside. The question of when, if at all, governmental institutions as well as foreign policies may interpenetrate finds no place in the construction of the theory. Unfortunately, as in the above cases, the meaning of many statements in the book disappears once one thinks about them for a moment.

One could forgive the necessary classification and definition being made at unnecessary length and with some infelicity if there were greater rewards in the theory presented. In stating a theory one assumes that certain relations exist in order to foresee others. A theory is valuable if it enables us to discover or understand relations that are not already obvious. By such criteria, which are wholly appropriate to what is attempted here, Mr. Modelski's theory is unimpressive. Following Talcott Parsons, the author looks upon foreign policy as a "system of actions" and strives to construct "the theoretical model for what has been called 'total field policy' " (p. 148). His concern is with "dynamic analysis," which he identifies "*solely* with *changes* in foreign policies; stable foreign policies do not give rise to problems for foreign-policy analysis" (p. 102). "Dynamic," used in this sense, directs our attention to a crucial point while it leads us away from another. To account for continuity of policy is as important and difficult as it is to explain variation, and fixity often hides congeries of changing elements. To illustrate the point with an example from economics, both supply and demand may

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decrease while price remains constant. Mr. Modelski, with four elements at hand, finds "only six modes of relationship" possible among them (p. 116). That is, in the formal statement of his theory he takes them by pairs, which makes for a simple and obvious system, but one that is too obvious to command one's attention and too simple to guide one's research.

KENNETH N. WALTZ

SWARTHMORE COLLEGE

Canals and American Economic Development. By CARTER GOODRICH, JULIUS RUBIN, H. JEROME CRANMER, HARVEY H. SEGAL. Edited by CARTER GOODRICH. New York, Columbia University Press, 1961.—vi, 303 pp. $7.50.

Three students of Professor Carter Goodrich present in this volume five related essays on pre-Civil War American canals. Mr. Goodrich provides introductory and concluding sections that effectively relate the essays to one another and to some of the existing literature. The first three papers (by Julius Rubin and H. J. Cranmer) are conventional in approach, being concerned with developmental policy of state governments and employing the traditional methods and sources of the political historian. Mr. Rubin's analysis of New York's decision to build the Erie Canal is the best in print. Exploiting a rich lode of manuscript and printed sources, he illuminates the politics of the New York project and contributes much to an understanding of the nineteenth-century view of canals and their possibilities. Mr. Cranmer's chapter on New Jersey, where canal construction was left to private enterprise, relies upon printed sources, mainly newspapers and legislative reports; its value is much enhanced by an extended discussion of the differences between "exploitative" and "developmental" canals, a problem Cranmer has touched upon only briefly in his earlier published work.

In a separate essay Mr. Rubin examines the decision of Pennsylvania in 1826 to construct the state railroad-and-canal system, with its grossly inefficient (albeit grandiose) mixed technology. Earlier interpreters have viewed the Pennsylvania policy debate largely in terms of regional conflict; but Mr. Rubin emphasizes that an articulate faction favored railroad construction and opposed the system adopted by the legislature. By failing to build a railroad, Pennsylvania's promoters proved themselves less resourceful and "realistic" than the New York leadership, Mr. Rubin maintains; he suggests that the Quaker State error was

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"partially a result of peculiarly Pennsylvanian traditions and attitudes." He and the editor assert the need for "further investigations of such differences of behavior in similar situations." Given this concern, it is disappointing that they give no consideration in this book to detailed canal-promotion studies that contain important relevant evidence (to cite only one example, Ralph Gray's recent articles on the Chesapeake and Delaware Canal in *Delaware History* and the *Pennsylvania Magazine of History and Biography*).

The last two essays, by Harvey H. Segal, represent a less traditional approach to transport history. Mr. Segal effectively relates American canal construction to business cycles and the development of the national economy; in this, he employs the impressive quantitative data compiled by Mr. Cranmer and himself, and builds upon the work of Walter Isard, A. H. Sadove, George R. Taylor and others. He deals in an imaginative manner with both national economic growth and the impact of canals upon substate economies; yet he is appropriately sensitive to the difficulty of isolating transport as a single factor among many in economic development. This analysis will provide valuable suggestions for future researchers. At the same time, it makes evident the need for further thorough local studies, for in another respect Mr. Segal's work is less effective. He attempts to apply present-day cost-benefit analysis in determining the success or failure of individual antebellum canals. Yet one is at a loss to know how application of any method can lead to a conclusion that Ohio's Hocking and Walhonding canals were failures while the state's Muskingum Improvement was not. Apparently evaluation of "benefits" was, in the end, quite subjective. There is still a great need for rigorous local studies of the impact of nineteenth-century canals.

It should be noted briefly that the publisher has, unfortunately, placed the notes at the back of the book, and there is no bibliography. The map of American canals is inaccurate in certain particulars and employs canal names inconsistent with those used in the text.

Two years ago Professor Goodrich completed his *Government Promotion of American Canals and Railroads* (New York, 1960)—a valuable synthesis of previously published work, including his own highly original articles. It is most fitting that his own students should now, as he notes, pose many new questions. This is a book that will be read with great interest by American economic historians.

HARRY N. SCHEIBER

DARTMOUTH COLLEGE

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Citizens as Sovereigns. By PAUL H. APPLEBY. Syracuse, Syracuse University Press, 1962.—xxiv, 200 pp. $5.50.

Paul Appleby has had a long and distinguished career in governmental service at state, national, and international levels. With this he has combined an early career in journalism and a notable contribution to higher education as Dean of the Maxwell School of Citizenship and Public Affairs at Syracuse University. He is uniquely qualified to write on problems of democracy, administration, and public policy. Earlier books in these fields, notably *Big Democracy* and *Policy and Administration,* are well-known to political scientists and administrators. Thoughtful students and practitioners of the art of politics and administration will pay respectful attention to what Dean Appleby deems it worthwhile to say in this new volume.

The book can perhaps best be described as a distillation of the wisdom accumulated in a long and varied career. It is a wide-ranging collection of brief essays on such topics as federalism, checks and balances, grants in aid, voting, political leadership, parties, communications, the press, public finance, and the welfare state. It is not a research monograph, nor a profound and systematic treatment of each topic, nor a survey of current writings bearing upon the field (although recent books are effectively brought into the discussion). On the other hand, it is not a mere collection of personal reminiscences (although examples from the author's own experiences are happily introduced to illustrate various points). It is more like a series of conversations with a mature, wise, and thoughtful public servant. As such, it is somewhat uneven and spotty, full of truisms or near-truisms as well as rather surprising and stimulating conclusions with which many of his readers will not agree. He does not, in any real sense, demonstrate or "prove" any of these conclusions. They are judgments, based on a lifetime of thought and work.

The unifying theme in these essays is that democratic government in the modern world can and must be strong and effective, that only an informed citizenship can provide this strength, and that this is possible only if the citizenry rids itself of a vast number of misconceptions about the role and functions of government in a free society.

Space limitations will permit only a very brief sampling of some of the judgments clustering about this theme. An important one is that Americans must overcome their widespread and long-standing hostility toward government. The slogan that that government is best which governs least is a "gross absurdity" uttered by people who "are continually seeking more public serv-

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ices" (p. 3). Appleby attacks other shibboleths about parasitic bureaucrats, the inevitable corruption of power, centralization, local democracy, and red tape. "The enhancement of even private and personal freedom is both directly and indirectly dependent upon the central institution—government" (p. 38).

Other conclusions are that "too many career members of the Foreign Service are given ministerial and ambassadorial posts, whereas the effort should be to get more and better political appointees" (p. 61); that "we have damaged the most important instrument of popular sovereignty by holding politics in contempt, espousing 'independent voting' as the only proper practice for self-respecting citizens, and forcing parties to look for financial support in the wrong places" (p. 63); that the country is "poverty stricken in terms of political leadership," which is reflected by mediocrity in the office of President with increasing frequency since the first half-century (pp. 80–81); that the notion that government finances are the same as family finances is "poppycock," and that "government debt . . . will increase somewhat irregularly but substantially so long as we remain a successful nation" (p. 161); that "to express opposition to the welfare state is equivalent to opposing civilization" (p. 180).

Such a partial listing does not do justice to the discussion. It does illuminate the major thread that democracy needs a strong two-party system, vigorous central leadership, and a citizenry able to put aside shibboleths and prejudices in order to exercise its sovereignty effectively.

VINCENT M. BARNETT, JR.

WILLIAMS COLLEGE

Western Politics. Edited by FRANK H. JONAS. Salt Lake City, University of Utah Press, 1961.—ix, 401 pp. $7.95.

This volume will remind some readers of an earlier work, *Rocky Mountain Politics* (1940), edited by Thomas C. Donnelly. In this instance chapters on the three Pacific Coast states and also on the new states of Alaska and Hawaii have been added to the original group of eight. The general format has been retained: practicing political scientists affiliated with one of each state's institutions of higher education and presumably thoroughly versed in local political phenomena are the contributors. Continuity with the earlier study is provided by Frank N. Jonas who again contributes the chapter on Utah in addition to a general introduction.

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In order to assure some uniformity of presentation, each author has treated the same subjects: geography and resources, population, press and public opinion, nominations and elections, party organization and leaders, pressure groups, legislative politics, voting habits, national political influence. The standard format is undoubtedly a useful device for assuring at least minimum coverage of politically relevant matter when so many individual contributors produce a single work. The reader can be reasonably sure that for purposes of reference he can find answers to questions concerning the vital statistics pertinent to the political life of the state in question.

An offsetting disadvantage of this highly structured framework is that uniformity becomes monotony when repeated chapter after chapter. At least one reader would have found this symposium more interesting had each author chosen to design his own chapter with less attention to a preconceived pattern.

Twenty years ago when *Rocky Mountain Politics* was published, the need for such a book was perhaps greater than is the case today. A symposium on the area then included—the eight states lying between the Dakotas and the Pacific Coast states—helped to bring a section of the United States characterized by great distances and sparse population to the attention of people whose familiarity with this remote, inland region was slight. Today this is much less true. Two decades have enabled millions of people to gain personal acquaintance with the Rocky Mountain area. Furthermore, the literature, both scholarly and popular, has grown substantially as the brief bibliography on each state demonstrates.

The decision to expand the coverage to include five additional states may have been unwise. The essential unity of the older book is no longer maintained. Perhaps even more serious, the amount of space available to each contributor has been so limited that inevitably he has been obliged to omit or reduce interpretive detail to the detriment of reader interest. A single chapter covering all political institutions and processes of an entire state cannot permit the treatment of any of these dynamic elements in much more than almanac dimensions. As a result, the insights which each contributor's professional expertise and first-hand familiarity with actual operating conditions presumably provide are crowded out, leaving a residue of pertinent but frequently rather dry data.

In this enormous area characterized by such striking contrasts in topography, climate, population, and wealth, where more than a hundred years separates the admission of the oldest and young-

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est states, where population growth has both exploded and languished, one cannot avoid the question: What do these states have in common other than location at the western extremity of the nation? One answer comes readily through from a reading of these chapters—the prevailing climate of independence in political behavior. The western voter—whether he is a resident of a highly urbanized metropolitan community or of one of the thinly settled areas so common in this region—does not respond readily to the urgencies of organization politics which are familiar to residents of the eastern states.

The present book provides a useful case study of nonpartisanship—the relative absence or weakness of strong party organization and loyalty. This is true even in California where it might be expected that the greater impact of urbanization would have produced political conditions more analogous to those found in the large eastern cities.

For the student of American political institutions the high incidence of partisan independence, indifference to organization and affinity for personal politics that permeates this great geographical area offers an inviting field for further investigation. The present work may provide a useful first step.

LAWRENCE H. CHAMBERLAIN
COLUMBIA UNIVERSITY

Farewell to the Bloody Shirt: Northern Republicans & the Southern Negro, 1877–1893. By STANLEY P. HIRSHSON. Bloomington, Indiana University Press, 1962.—334 pp. $6.95.

The "Bloody Shirt" is, of course, an invidious concept; it catches the Republicans as they exploit their Civil War dead and their surviving, and voting, comrades. It demanded little soul-searching with respect to the reality of Negro rights, but a good sense of practical political issues, such as party unity, catching slogans, and ability to deliver desired legislation. As President Chester A. Arthur told a Georgia Negro: "[M]en do not fight without hope of reward." Involved in such matters is what Professor David Donald, who introduces this work, calls the sociology of politics. He believes the present work reveals "for the first time" Republican motives in their Negro policy, but this is only relatively the case. There were numerous contemporaries and later commentators to impugn Republican motives of the Reconstruction and following periods. However, Professor Hirshson does more fully and disinterestedly distinguish eco-

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nomic and political factors which kept Republicans in constant debate.

Most interesting, to this reviewer at least, is the fact that there were elements in the Republican Party genuinely interested in keeping faith with the Negroes, whose civil rights hung in the balance. There would have had to be, if only to give some modicum of substance to Republican demands for free elections, in the South. Northern businessmen often weighed the Bloody Shirt against southern business orders, and demanded a free South—that is, free for white southerners. But a number of old-time abolitionists and equalitarians and war veterans continued to believe in the reality of the Fourteenth and Fifteenth Amendments. Most interesting, perhaps, were their efforts to assist Negroes to leave the South. A National Emigration Aid Society was sponsored by Republicans of both Stalwart and Half-Breed persuasion. A Freedom's Relief Association in Kansas sought to create inviting conditions in Kansas; and individuals in other states aided the movement.

Other Republicans labored to cement a northern-southern alliance. Some southerners endorsed the Grant boom for a third term in 1880. Garfield made a switch away from his Bloody Shirt election campaign to advocating "education": the perennial cause of people who have given up hope. His successor Arthur assumed that since Negroes had not been able to consolidate their Reconstruction gains, they would have to win their own right to civil rights, rather than expect Federal aid in attaining them. In general, Republicans differed (sometimes exchanging principles) on whether to build up the North-South alliance through tariff, money, good government, and other demands, or to build up the Republican Party on organizational (including Bloody Shirt) lines. James G. Blaine was exemplary in employing principles and non-principles, as occasion suggested. After 1890, and the great effort to pass the Force Bill, forcing southerners to permit Negroes to vote Republican, it occurred to Republicans that they were increasing at a great rate, thanks simply to increased northern population. Accordingly, they lost much of their interest in Negro votes, and therefore in Negroes. A protectionist tariff looked good in an expanding economy, and to many southern industrialists, as well as northern.

The Bloody Shirt orators went down fighting. Whether they left any heritage of attitudes and purposes, and to whom (for northern Democrats developed an interest in Negro votes), it would be interesting to consider. Several of Professor Hirshson's most interesting pages discuss parallels with the present. New

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Orleans businessmen worry about the tourist trade. Some southern multimillionaires have an affection for Republican principles. Professor Hirshson believes a two-party system is not out of all calculation in the South. If it should materialize, "the dream looked forward to so eagerly by Hayes in 1877, by Garfield in 1881, and by Harrison in 1889 might eventually be realized."

LOUIS FILLER

ANTIOCH COLLEGE

Changing Patterns of Military Politics. Edited by SAMUEL P. HUNTINGTON. New York, The Free Press of Glencoe, Inc., 1962.—272 pp. $7.50.

The eight essays comprising this book can be divided into two classes: the theoretical or doctrinal—those by Professor Huntington, Professor Harold D. Lasswell, and David C. Rapoport—and those describing a state of affairs—the contributions by Laurence I. Radway, Raoul Girardet, Philip Abrams, and Martha Derthick. Although the editorial guidance admittedly is positivist, the second class of essays, unlike the first, appears to have no reciprocal relation to the volume's editorial point of view. However, in this reviewer's opinion, it contains the more poignant material.

The doctrinal contributions are intimately related to the editor's own major essay entitled "Patterns of Violence in World Politics." Indirectly they raise the whole question of whether the social problems of military politics, essential military establishments, militarism, and lawless forms of organized violence can be usefully understood, let alone solved, in a frame of reference of positivist philosophy. That these may have to be examined from a more reasonable position is suggested by the editor's conclusion that "the proliferation of new patterns of violence may herald the emergence of new and more stable political institutions" (p. 47), since it leaves entirely out of account the destruction of human life and proved institutions.

David C. Rapoport is concerned mainly with types of state action, and it is difficult to conclude that his article does not lean to the prerogative or general-will type of state. Whereas the nonpositivist outlook is that authoritarian states are, in the main, lawless, the author states that "the most authoritarian state is always the one in which *law* governs all social activity" (p. 79). This view is further illustrated by a quotation from Professor George Counts that "the demands of war and politics can be so

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similar that if it is possible to teach a man to be a good soldier, he can also be taught how to be a good citizen" (p. 80).

Many readers will find the substitution of the term "intergovernmental war" for "war" and "intragovernmental war" for "civil war" not only cumbersome, but inaccurate as well.

"The Garrison-State Hypothesis Today," by Harold D. Lasswell, most nearly approaches the human problem in its deeper philosophical sense. Its principal feature is a Dostoyevsky-type probing into human nature and an expressed preference for a given type of society arranged by a human being with certain presumed capabilities created or stimulated by chemical science.

The book derives its strength from the second, rather than the first, class of articles. Outstanding in this category, as well as in the entire book, is Raoul Girardet's treatment of military power in France. A close second is Martha Derthick's evaluation of the American National Guard in politics. Very good, too, is Philip Abrams' handling of the retired British service officer in the age of science.

This reviewer cannot take quite so seriously Professor Huntington's fear that this book lacks "unity and focus" (p. 15). The very diversity of the topics which the authors discuss goes to show how many-sided and important is the military problem in a civil society.

ALBERT NORMAN

NORWICH UNIVERSITY

The Nature of International Society. By C. A. W. MANNING. London, G. Bell and Sons, Ltd., 1962.—xi, 220 pp. 30 sh.

This is a book on a subject that has been much written about, especially by American scholars. It is, however, a different kind of book, with its own special perspectives, mode of exposition, and analytical framework. It is a highly personal book in that it not only reflects Professor Manning's particular view of the subject and manner of expressing himself, but also gives the reader the sense of being present at lectures to his students in which Professor Manning, leaning "heavily upon the arm of friendly metaphor," to use his phrase, expounds his subject and asks the questions which must be answered if understanding is to be had.

To Professor Manning, the study of international relations cannot rightly be thought of as a narrow discipline. In this he shares the view of Quincy Wright and other scholars who regard the student of international relations as a synthesizer, needing

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acquaintance with a variety of fields and disciplines, rather than the possessor of a unique method or body of knowledge.

In his preface, Professor Manning discusses briefly "the proper classing of such a book." He does not regard it as "History, or Politics, or Law," or as "conventional Psychology" or "standard-pattern Sociology." He thinks it has most to do with philosophy, but of a particular kind. His conclusion is that "Meta-diplomatics" is perhaps the best name to give it "logically, if with a smile."

Later, in his concluding chapter, entitled "Social Cosmology—Its Problems, Procedures and Place," which is perhaps more indicative of how he would label his subject, he asks the question: What "thinking-cap" is required for the study of international relations? His answer clearly indicates how he views the scope of this subject: "For, unlike so many another specialization, International Relations is not the study of an 'aspect.' Its business is, as we saw, with life, life in its concrete complexity, its multi-dimensional variety, and, above all and more particularly, in its many-levelled, imagination-taxing depth" (p. 200).

This obviously is a view of the field and of the study of it which places heavy demands upon the teacher and scholar. One cannot help wondering how many of those who teach in the field today Professor Manning would consider prepared for the task. This wonder is not lessened by his own explicit statement of the ideal to which the graduate student who would be a teacher in the field should aim.

> Whether it be Social Anthropology, and the topic life as lived on a given island, or International Relations with its focus on the life of the family of sovereign states, two elements seem indispensable in one who would convey to others that sort of knowledge-by-vicarious-personal-acquaintance which, until himself sent on active service, is all that the young soldier can aspire to. The teacher must have been at pains to win for himself that kind of appreciation of his subject matter which is accumulated not rapidly but over the years; and further, he must covet the genius of a Zimmern for making his subject come alive for those still at the gateway into the garden in which he for so long has walked, and watched, and talked and thought (p. 206).

Clearly Professor Manning does not view this as the task of the young specialist but rather as the calling of one with wide knowledge, long experience, and great wisdom. And if the field of international relations is viewed in his terms, it is not easy to disagree.

LELAND M. GOODRICH
COLUMBIA UNIVERSITY

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Power Relations within the Chinese Communist Movement, 1930–1934: a Study of Documents. By TSO-LIANG HSIAO. Seattle, University of Washington Press, 1961.—x, 404 pp. $7.50.

Since primary sources for the history of the Communist Party of China from 1921 to 1949 are in short supply, there is no political history of Chinese communism to serve as companion piece to Professor Leonard Schapiro's masterly synthesis, *The Communist Party of the Soviet Union* (1961). The reader thus turns hopefully to *Power Relations within the Chinese Communist Movement* for whatever revelations Hsiao Tso-liang, professor of international relations at National Taiwan University, may provide for the years from 1930 to 1934. Four hundred pages later, the reader emerges, mingling admiration for the conscientious assembling of detail found both in the body of the book and in its appendices (a chronology of events, English-Chinese glossary of terms, bibliography, alphabetical list of documents, and index) with reservations as to Professor Hsiao's methodology, point of view, and perspective.

If this volume is textural criticism, it is, however, without text. Hsiao's book is based on two important collections of Chinese Communist materials in Taiwan: the Ch'en Ch'eng archive, and the Nationalist Bureau of Investigation files. The former, documents from the central Soviet base in Kiangsi, were captured by Nationalist troops under General Ch'en's command during the "annihilation campaigns" of the early 1930's; this archive contains a near-complete run of the newspaper *Hung-se chung-hua* (Red China) from December 1931 to October 1934, probably the richest single source of official data regarding the Chinese Soviet Republic. The latter collection contains documents issued by the central apparatus of the Chinese Communist party, first underground in Shanghai and later in Kiangsi. As supplement, Hsiao consulted some relevant documents available at the Hoover Institution. (He also interviewed Chang Kuo-t'ao, senior Communist political leader in the Hupeh-Honan-Anhwei Soviet area during the early 1930's, who is now resident in Hong Kong.) Despite its documentary framework, *Power Relations* does not include a single documentary text either in Chinese or in English translation. Though the editor promises that several volumes containing the full Chinese texts will be published later in Taiwan, for the present the reader must shape his own judgment upon Hsiao's paraphrase of the Kiangsi materials, interlarded with editorial notes based partly upon non-communist and anti-communist sources, and leavened with criticism of existing translations in the Harvard *Documentary History of Chinese Com-*

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munism and other Western studies. The necessity for over-reliance upon the editor's comments cannot fail to disturb scholars disciplined to conventional orthodoxy in the handling of texts.

Moreover, while the author cannot justly be criticized for limiting his attention to the important documents available in Taiwan, no thorough study of Chinese communism in the early 1930's can realistically neglect Moscow's role as revealed in Russian sources. The book's partial approach inevitably encourages parochial estimates.

Finally, the problem of perspective requires comment. Implicit in the argumentation of this book is the assumption that a major revolutionary movement may be understood through assessment of changes in the Communist party line. Doctrinal shifts were important in China in the 1930's, as was the struggle for control of the party structure which accompanied the policy shifts. But the larger issue involved in the history of political radicalism in twentieth-century China is the relationship—if any—between this intramural competition and the Communist party's general struggle for influence and authority. On the one hand were the brittle young men of the central party apparatus, Moscow-trained doctrinaires, representatives of Soviet hopes for revolutionary action in China even after the debacle of 1927. On the other were the pragmatists—Mao, Chu Teh, Lin Piao, and others—intent upon fashioning and testing in the countryside the political and military techniques which were to culminate in total control of China by the Chinese Communists. If the book has failed to make explicit the larger implications of this bifurcation, it has pointed an inadvertent moral: it is not only in power relations but also in analysis of those relations that the classic alienation of the intellectual from the good earth breeds disappointment.

HOWARD L. BOORMAN

COLUMBIA UNIVERSITY

Catholicism and Crisis in Modern France: French Catholic Groups At The Threshold of the Fifth Republic. By WILLIAM BOSWORTH. Princeton, Princeton University Press, 1962. —407 pp. $8.50.

The ideological quarrels of the French Republic traditionally are fought out not only between social classes and interest groups, but within them as well. Workers, farmers, teachers, veterans, civil servants and most other groups have tended to split along

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political lines. French Catholics are no exception. A Left-Right cleavage among Catholics and Catholic organizations further complicates the existing criss-crossing divisions within French public opinion. Thus, the Left and the Right as a whole are subject to multiple pressures, which render coalition agreements ever more difficult. This full-length study of the political role of Catholics is therefore a welcome addition to the general literature on French politics.

The author confesses in his concluding chapter: "Bringing together all the elements of this book to determine the Catholic impact in French politics is not an easy undertaking" (p. 321). Nor is it easy for a reader to do so after finishing the book. Part of the difficulty is the author's tendency to elaborate the obvious. Dr. Bosworth raises the question at the outset whether the differences between the Left, the Right and the Moderates in the French Catholic community can "be reconciled under the banner of Catholicism or any other single principle? It is hoped that the present study will help to give the answer" (p. 7). The author's conclusion, over three-hundred pages later, will not surprise students of the French political system: "At the end of this survey of Catholic groups in present-day France, it is impossible to find any single, organized, direct political impact to which all contribute" (p. 344). After wondering whether impacts can ever be "found," the reader is left to contemplate a final remark, that the leaders of "most" Catholic groups will support democracy in any test of strength with the "proto-Fascists." Since many "proto-Fascists" claim to be inspired by Catholic principles, and since "some" Catholic groups are on the militant Right, the significance of this conclusion is somewhat limited.

Nonetheless, Dr. Bosworth deals with important questions concerning French Catholicism—as well as a few unimportant ones. Among the several stated aims of his study are: a) to ascertain whether French Catholics are a disciplined body; b) to catalogue the constituent elements of French Catholicism with political significance; c) to appraise the religious and nonreligious motives for joining Catholic groups; and d) to see whether the existence of Catholic groups divides the democratic forces. The last stated aim is both interesting and not self-evident. The author's technique of analysis is to study the opinions and activities of Catholic groups with respect to two important political events—the granting of state aid to Catholic schools, and the crisis of 1958. His extensive treatment of the school problem is balanced and valuable.

This book suffers greatly from a lack of focus and an exasperat-

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ing style of writing. The term "impact" is overworked throughout. There are too many references to subjects to be treated later, or not at all, or explanations as to why they will or will not be treated in a subsequent chapter. Some of the footnotes serve no visible purpose. It is difficult to understand why the period from May to October, 1951, should be designated as the Combes era (p. 279). The manuscript of this doctoral dissertation should have been tightened up for publication. There are three solid pages (81–83) of quotations from speeches by Church officials, without any summary or running commentary. The conclusion that the Catholic press represents a very wide cross section of French political thought hardly justifies forty-five pages of catalogue and quotations. Certainly there could have been summary or interpretation instead of the two pages which simply list Catholic Action affiliations of fifty-two MRP leaders—or the long list of members of the Secrétariat d'Etudes—or the table on page 253. These are perhaps minor points, but they mar a well-documented and valuable study.

BERNARD E. BROWN

VANDERBILT UNIVERSITY

Parliament and Public Ownership. By A. H. HANSON. London, Cassell & Company Ltd., 1961.—248 pp. $4.80.

According to classical economic theory, the existence of a multiplicity of economic units competing within the framework of the price mechanism insures that each of these units is both responsible and efficient. That is, a free economy provides the right amount of goods (in terms of public demand) with the minimum of effort, and also prevents an excessive concentration of economic power.

Classical economics never accurately described reality, and, in fact, its inaccuracies served as the basis for the Socialist critique of capitalist society. Socialists have maintained that the natural tendency toward concentration in a capitalist economy destroys the model and, further, that a multiplicity of large, privately controlled economic units only results in chaos on the macro-economic level.

Nevertheless, British Socialists, at least, have always been sensitive to the charge that the concentration of industry in the hands of the state would result in "bureaucratic" waste, and that the elimination of the profit motive would result in a decline of efficiency. Further, as democratic Socialists they have also been

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concerned with insuring that nationalized industries be responsible, that is, be checked in their operations by effective public controls.

The British solution has been the public corporation, a pragmatic device designed to obtain the best of both worlds. In theory, at least, the corporate form of such enterprises, their relative freedom from day to day controls, and their general acceptance of commercial standards of efficiency, insures the most productive use of resources. On the other hand, the creation of a panoply of advisory committees and ministerial (and hence parliamentary) control of over-all policy, insures democratic responsibility.

After serving as an "ideal model" for many years this solution has come under increasing attack from segments of the Socialist movement and from the academic community. A. H. Hanson's work is both a study of one aspect of the public corporation in a mixed economy and a discussion of some of the issues involved.

Hanson argues that while parliamentary questions and debates have permitted a certain amount of public control over the nationalized industries, the mechanisms have not proven sufficiently effective. The result has been that while governments have been forced increasingly to intervene in the operation of public corporations, Parliament's role has been minimal. Ministers have been in a position to refuse to answer questions which they should legitimately have answered, and M.P.'s have lacked the tools to evaluate effectively the information supplied to them. The result of a rising tide of criticism has been the creation of a specialized Select Committee on the Nationalized Industries.

Hanson outlines the role of questions and debates and describes the formation and role of the committee. He also briefly compares British developments with those of the United States and the Commonwealth, as well as certain other countries, especially France. His analysis indicates that the trend toward more direct control is a general one. His conclusion is that the development of specialized parliamentary instruments of control is wise. In fact, he contends that public control should be extended through either increasing powers for select committees, or the development of such institutions as the French *Commission de Vérification,* or both.

He does not think that increased direct responsibility to government and parliament will reduce efficiency. In fact, he argues that the commercial emphases of public corporations limit their over-all effectiveness. While not denying the need for checks on efficiency, he maintains that the level and nature of the opera-

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tions of public corporations must always be examined from a perspective which views the needs of the economy as a whole.

Hanson is at pains to deny that more effective mechanisms of parliamentary control will reduce party responsibility or upset the particular British pattern of cabinet government. One feels that he dismisses too easily the fears of those who opposed the select committee. Bi-partisan or non-partisan committees dealing with significant segments of the economy are bound to become independent sources of power and thus will affect the relation of the cabinet to Parliament. This, however, is not necessarily all to the bad. The British model of a disciplined two-party system supporting a strong cabinet is only sixty years old, and it can be argued that it emerged in response to particular needs at a particular time. The future may well lie with a more fluid system such as our own or that of Sweden.

Hanson's conclusion as to the general role of the nationalized industries within a mixed economy does not spring naturally from his study, although it is related to it. The issues involved require a full-scale social and economic analysis and this is not Hanson's purpose. In raising the question, however, his study does represent at least an indirect contribution to a re-examination of the whole problem of public ownership in both its economic and political ramifications.

STANLEY ROTHMAN

SMITH COLLEGE

Party Politics, Volume III: The Stuff of Politics. By SIR IVOR JENNINGS. New York, Cambridge University Press, 1962. —x, 493 pp. $8.50.

In one respect, at least, this volume represents a colossal achievement. Not only does it complete the trilogy entitled *Party Politics* but, as Sir Ivor proudly notes in the Preface, it also rounds out the great threefold survey of British political institutions begun with *Cabinet Government* in 1936 and continued with *Parliament* in 1938. Few men would dare to attack so vast a project; fewer still could successfully finish it, over the space of a quarter of a century; and Sir Ivor now stands splendidly alone in having strained the full measure of British government through the filter of his single mind. No student of British politics can fail to pay honor to and profit from this monumental accomplishment.

Would, then, that one could greet this triumphant terminal

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volume with a paean. Alas, many political scientists will find themselves unable to do so. Sir Ivor is a lawyer. His book is, as always, awesomely learned, scrupulously well-ordered, dispassionately lucid. And, more strikingly than any of its predecessors, it is also devoid of any love for politics. It is a curious flaw in a master analyst of political institutions to lack a sense of politics. In a book about the stuff of politics it is chilling to find no zest for the political, no trace of the vibrant reality of political life. It is as though Sir Ivor's analysis had placed British politics into inanimate cold storage.

The book's main thesis accommodates the author's temperament, training and preference. Concerning political conflict in Britain, it is, says Sir Ivor, "necessary to insist upon the solid core of accepted ideas" (p. 2). It is with this core that the volume concerns itself. "The conflicts are over the frills and fringes" (p. 14). And accordingly the frills and fringes—and the conflicts—are summarily dismissed. What are British politics about? About nothing much, Sir Ivor suggests. There is a fundamental agreement on broad issues, due "for most of the history of British politics. . . . to the homogeneity of the governing class" (p. 14). There is also a two-party system whose logic demands the "sham fight" (p. 17) between the ins and the outs. The two parties do not differ on principle. In fact, Sir Ivor says ominously that "'principle' is a bad word, for it assumes something fundamental" (p. 10). Instead, the parties are "polylithic" (p. 17). Lacking a single, central (monolithic) idea, they try to be all things to the whole body of electors. Their differences are "of emphasis, in priorities, and about details" (p. 12)—and therefore insignificant.

What then of the undeniable reality of political controversy? The answer is that "most political controversies have emotional foundations, or at least emotional reactions"; and they "are exaggerated by rhetoric" (p. 19). Toward political emotion Sir Ivor exhibits an implicit disdain. The only attention he permits himself to the phenomenon consists of a brief suggestion that there is a recurrent cycle of opinion, produced by the fact "that periods of high emotion, especially those associated with religion and nationalism, are followed by periods of comparative quiescence" (p. 20). Even here it is not conflicting ideas that matter, but the conflict of succeeding generations. On this assumption "one would expect a recurrence of high emotion in every third or fifth generation"; and since three generations make a hundred years, there are in the development of British politics "signs of a sort of wave motion, with a wave length of roughly a hundred years" (p. 20).

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Disinterested as he is in political emotion cycled by the succession of generations, Sir Ivor instead devotes himself to the consensus on fundamental ideas upon which emotions and controversy feed. This consensus is arranged into nine major issues. These are: the Whig Constitution, Church and King, Liberty, Nationalism, Imperialism, John Bull's Other Island (sic), Free Trade and Protection, The Welfare State, and British Socialism. Each of these subjects is treated exhaustively in a separate chapter, primarily along chronological lines. The point of the treatment is to trace the history of each category from its earliest origins (the chapter on Church and King begins with 1529, that on Liberty with Magna Carta, and that on Ireland with 1155), to the stage when it ceased to be an actual issue and thus became suitable material for the sham controversy of actual politics.

At the end of the volume this reviewer finds himself in a state of perplexity. The ground over which partisan conflict has raged in Britain has been skilfully traversed. The major issues have been clinically examined, and it has been clearly shown in each case that a quite sensible general agreement exists on each of them. Sir Ivor's great task is ended. This ultimate installment has neatly classified the great civic consensus upon which British government rests. But dare one conclude that no genuine or fundamental differences divide the British people today? Is it admissible that there has been no new idea in British politics worth noting in the twentieth century? And is this icily detached inventory "the stuff of politics"?

STEVEN MULLER

CORNELL UNIVERSITY

A History of Russia. By JESSE D. CLARKSON. New York, Random House, 1961.—xviii, 857 pp. $10.00.

A History of Russia by Dr. Clarkson is a more informative and better written book than the several texts on Russian history which have been published in this country in recent years. Clarkson says that his study "is the product of more than thirty years of teaching Russian history." This statement describes the book well and presumably accounts for its pleasing, albeit somewhat rambling, informality characteristic of classroom discussion. Instructors who teach college courses seldom follow a rigid pattern but allow themselves excursions into kindred fields, omissions of the better known facts, and departures from chronologi-

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cal sequence. Informality of this kind, reduced to the anonymity of the printed page, is less rewarding than it is in the classroom and may tend to blur the picture.

Consistency in interpretations, adequate organization of the material, and selectivity are perhaps the chief and formidable difficulties facing the historian. It is not obvious that Clarkson has been uniformly successful in finding a solution that would help his readers. He has a tendency to shift his story from subject to subject over a wide range of years, making it difficult to obtain a clear picture of any particular period, especially for readers who are unfamiliar with Russian history and to whom his book is primarily addressed. Clarkson rightly notes that the origin of the Russian *dvorianstvo,* which for lack of a better term is translated as nobility, was government service and that this link was formalized in the Petrine Table of Ranks (1722). However, in his discussion of the effects of the emancipation of the serfs in 1861, the author endeavors to draw a sharp line between the nobility and the bureaucracy, an unrewarding undertaking because the two groups were inextricably intertwined.

Clarkson at times repeats uncritically statements which, although current in textbook literature, are no longer tenable. He writes that Turkey promised Russia in the treaty of Unkiar Skelessi (1833) to close the Dardanelles "to the warships of other foreign powers" and that "a new international Straits Convention (1841) closed the Bosphorus and the Dardanelles to the warships of all foreign powers, including Russia." Actually, the treaty of Unkiar Skelessi did not give Russia the right to send warships through the Dardanelles, as Clarkson would seem to imply. This was definitely established by Philip Mosely. Curiously, Clarkson recommends Mosely's book as "most useful," as well as *The Crimea* by Temperley who fully agrees with Mosely. There are some surprising omissions of facts. Friedland (1807), Russia's major defeat by Napoleon which led to the Franco-Russian alliance, and the Erfurt meeting (1808), a decisive turning point in the relations between the two countries, are not mentioned. Foreign relations, in general, fare poorly. Prince Alexander Gorchakov, head of the foreign ministry from 1856 to 1882, gets one inconsequential reference. None is made to his predecessor Nesselrode (1816–1856) or to Izvolsky. Clarkson describes changes in the imperial government during the first World War but he passes in silence the celebrated and important case of Sukhomlinov. Pressure on space is, of course, crucial, yet room is found for Tchaikovsky's "disastrous marriage and fantastic effort at suicide." There are inexplicable gaps in the bibli-

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ography alongside the listing of publications that could have been profitably left out: for instance, no reference is made to Sumner's classic, *Russia and the Balkans, 1870–1880,* and Nolde's seemingly indispensable *L'ancien régime et la révolution russe* and especially *L'alliance franco-russe,* while his two less important books are duly noted.

The maps are striking and the illustrations very good.

MICHAEL T. FLORINSKY

COLUMBIA UNIVERSITY

The First Russian Revolution: Its Impact on Asia. By IVOR SPECTOR. Englewood Cliffs, N. J., Prentice-Hall Inc., 1962.—viii, 180 pp. Paperback $1.95.

This is a concise analysis of a complex and relatively unexplored topic. The most nettle-like problem is "to distinguish between the impact on Asia of the Russo-Japanese War and the impact of the Russian Revolution of 1905, which took place concurrently" (p. 30). Since the former event has been stressed in Western historiography, Spector redresses the balance by an emphasis on the impact of the Russian revolution in Turkey, Iran, India, and China. In addition, he provides an interpretation of the 1905 revolution and a critique of Soviet historiography on this revolution.

Although sharing the current Soviet view that the 1905 revolution is a paradigm for contemporary revolutions in Africa and Asia, Spector properly disagrees with the claim that the Bolsheviks played a crucial role in the revolution. According to Spector, it was "a people's or national revolution, with a constitution as its main goal" (p. 23). The famous October Manifesto was prompted as much by peasant violence as by proletarian strikes. Moreover, it was not inspired by the ideology of the Social Democrats but represented that "of the broad strata of Russian society, especially of the intelligentsia" (p. 24). In contrast to the Soviets who utilize the revolution to develop the theme of the inevitable triumph of communism, Spector uses it as a warning that political revolution by itself is not sufficient to frustrate the communist movement. Thus, Spector simultaneously portrays the 1905 revolution as paving the way for nationalism and anti-colonialism in Asia; establishes many parallels between this revolution and contemporary revolutionary movements; and challenges the attempts of the Soviets to link their cause with these Asian nationalistic movements.

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This reviewer cannot evaluate the author's analysis of the impact of the revolution in Iran, Turkey, or India; but it seems probable, as Spector observes, that it had greater influence in Iran and Turkey than had the Russo-Japanese war. Specialists on East Asia, however, may dissent from the opinion that "Chinese intellectuals were impressed as much by the Russian Revolution of 1905 as by Russia's defeat at the hands of Japan" (p. 85). Also, by not including a discussion of the Chinese approach to the development of communism, Spector has omitted some political and historiographical implications of the Soviet portrayal of the 1905 revolution as a paradigm of contemporary movements in Africa and Asia. Still, the author is correct in his general conclusion, "the Russian Revolution of 1905 did have a strong impact on Asian countries, especially on Iran, the Ottoman Empire, and China, as well as on the 'Extremists' of the budding Indian nationalist movement" (p. 111).

By calling attention to this fact, Spector has accomplished a valuable and original analysis. He has provided a guide for additional research on an important and neglected task: a determination of the relative impact of the 1905 revolution and the Russo-Japanese war on the development of Asian nationalism. In addition, he has effectively sounded a warning that without "more intensive research on this revolution in the West, and also in those Asian countries that were influenced by it, the Soviet interpretation, which since 1955, has been widely disseminated in Asia and Africa, may ultimately prevail" (p. 113).

JAMES B. CROWLEY

AMHERST COLLEGE

Principles of Government and Politics in the Middle Ages. By WALTER ULLMANN. New York, Barnes and Noble, 1961.—320 pp. $6.00.

Unlike medieval thinkers, Mr. Ullmann defines government as the instrument that translates the purposes of a society into law; thus the location of "the law-creating power," necessarily an illimitable, uncontrollable, and indivisible sovereignty, distinguishes political systems. In medieval thought and practice he discerns the competition of two "diametrically opposed," mutually exclusive concepts: the "descending" thesis asserted that sovereignty was divinely bestowed on pope or king and construed other powers as delegated and law as determined by the sovereign's "will"; the "ascending" or "populist" thesis permitted many forms of government but construed all power as derived

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from and subject to the sovereignty of a community. The "descending" concept followed from the "christocentric" premise that earthly life had value only in relation to salvation, which affected "the whole man" and thus logically required a single theocratic sovereign; the "ascending" concept needed a "naturalistic" doctrine of the autonomous value of earthly life, unavailable till the reception of Aristotle. In *The Growth of Papal Government in the Middle Ages,* Mr. Ullmann argued, though not to the general satisfaction of scholars, that virtually complete theories of papal and royal theocracy were developed before the Investiture Struggle; confronted by the pope's superior claim to monopolize God-given authority, champions of theocratic kingship then retreated to a novel and "futile" dualism. He now continues the story.

Supported by theocratic elements in Roman law, theocratic concepts of pope and king both persisted, despite flaws in the royal claim. "Atavistic" remnants of "Germanic populism" flourished "subterraneously" in the spontaneous corporate forms of peasant communities, gilds, and towns, whose "ascending" structure was to be juristically portrayed in Bartolus's analysis of the *civitas sibi princeps.* Their existence facilitated intellectual assimilation of Aristotelian naturalism and thence a rapid development of the "ascending" concept and the theory of independent nation-states, as increasingly evident in Aquinas, John of Paris, and Marsiglio. Conciliarist theory, chiefly derived from Aristotle, applied the "ascending" concept to the church. Aristotelian naturalism provided the first adequate basis for dualism, as illustrated in Aquinas ("hierocratic ingredients" in his "very subtle synthesis" are "inconsistencies"), John of Paris, and Dante; but its logical conclusion was reached when Marsiglio asserted the all-embracing sovereignty of the popular "will," denied the legal status of divine law, and deprived the church of its corporate character (Mr. Ullmann mainly follows Gewirth's questionable interpretation of the *Defensor Pacis;* "no doubt," he adds, Marsiglio "had studied Thomas very well"). Though Renaissance individualism further weakened the papacy, intellectual conservatism and the actual power of kings maintained purely theocratic conceptions of kingship, on the continent, far beyond the Middle Ages. In England, however, a fully-developed theocratic conception had confronted an exceptionally vigorous feudalism, insistently regarding the king as a feudal lord bound by feudal law, contractually made by "the joint effort" of king and barons. The practical rivalry of these distinct concepts furthered the medieval growth of English constitutionalism, which

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eased the post-medieval triumph of the "ascending" concept. A view of the king as coincidentally feudal and theocratic was formulated in Bracton's "*iurisdictio*" and "*gubernaculum*." Fortescue portrayed theocratic monarchy combined with populist institutions.

Mr. Ullmann "abstracts" manifestations of "descending" and "ascending" concepts from intellectual and institutional history, discarding what does not meet his specifications: for example, his description of Aquinas's "populist" inferences from Aristotle leans heavily on the *Commentary on the Politics*, ignoring conflicting data elsewhere; Dante's naturalism is dissociated from such "flaws" as his defense of a theocratic world-monarchy. Abstraction too often becomes misstatement: for example, half-sentences from John of Salisbury and Glanvill are cited (pp. 157, 159) to illustrate opinions specifically repudiated in their contexts; assignment of law-restricted *iurisdictio* to Bracton's "feudal" king ignores Bracton's argument that the king, as vicar of God, must judge in accordance with law (the whole treatment of Bracton is, to say the least, peculiar). Students of English constitutional history will question Mr. Ullmann's assurance that no earthly restraints on the king were deducible from the coronation oath; that Angevin judgments *per voluntatem* were simply applications of theocratic theory; that Magna Carta was designed as a purely feudal instrument touching the king in his feudal capacity only; that "*lex terrae*" in Article 39 and Bracton's "*leges Angliae*" meant feudal law; that feudal lords and Bracton construed feudal law as a contract between king and barons; that "*communitas regni*" in thirteenth–fourteenth-century documents meant the baronage; that the success of English parliaments resulted from the original strength of English feudalism *vis à vis* the king.

Concepts and consequences "rather self-evident" to Mr. Ullmann seem to me debatable. And they can scarcely have been self-evident to those medieval thinkers who, using arguments they presumably considered coherent, described the substantive limits of authority, surrounded theocratic rulers with institutional checks constructed on "ascending" principles, erected theories of regal sovereignty on naturalist foundations, located God-given authority in corporate bodies, or related government to temporal values without waiting for Aristotle. Scholarly examination of the broad matrix of thought from which Mr. Ullmann extricates what fits his definitions has revealed that the actual history of "descending" and "ascending" interpretations was much more complex and devious than he has observed. His selective tech-

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nique excludes from attention masses of relevant material: for instance, varying conceptions of the nature of law and the function of government; the gradual steps by which the concept of sovereignty was reached; non-feudal doctrines of consultation and consent; "naturalistic," "ascending," and "populist" concepts developed in connection with the Two Laws; pre-Aristotelian rationalizations of national autonomy; Aristotelian contributions to defenses of absolutism in church and state. It is particularly startling to find that "*quod omnes tangit*" is not in Mr. Ullmann's index; that canonist corporation-theory is merely mentioned as "fitted into" conciliar thought derived from Aristotle; that "the idea of representation" is presented only as an "offshoot of the ascending thesis" whose acceptance in England was prepared by feudalism, to which it was "no strange bedfellow."

Discriminating readers can profit from Mr. Ullmann's information and insights, but the book has many pitfalls for the unwary.

EWART LEWIS

OBERLIN, OHIO

Russia Under Khrushchev: An Anthology from Problems of Communism. Edited by ABRAHAM BRUMBERG. New York, Frederick A. Praeger, 1962.—xi, 660 pp. $8.75; paperback, $2.50.

This volume is one of the longest of the many collections of articles on the Soviet Union which have appeared in recent months. Of the forty-odd articles in the present anthology, all but one were written in 1956 or later, and the majority appeared in 1959–1961. In fact, they comprise a considerable portion of the contents of *Problems of Communism* for the last three years. In several instances, articles have been up-dated by extensive additions or notes; Mr. Brumberg's incisive introductory comments preceding each major topic also help to relate the material to the current scene. As a result, with one exception (Leon Lipson's article on Soviet law, which would have been greatly improved by editorial insertions covering very recent developments), the treatments are good descriptions of the present state of affairs in the U.S.S.R.

The great virtue of contemporaneity has accompanying liabilities. The length of the articles (usually under ten pages) and the generally restricted documentation limit the extent to which even the very well-qualified authors can develop their rather broad themes. As a result, the collection serves a very valuable introduction to Soviet affairs; but it provides relatively little new

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data for the specialist and appears fated to become antiquated after a few years.

These generalizations, however, apply unequally to the various topics covered in *Russia under Khrushchev.* The discussion of ideology, while provoking, seems superficial. It will, I think, soon be forgotten, while a more systematic and detailed presentation, for example, "Stalin on Revolution" by "Historicus" (*Foreign Affairs,* XXVII, January, 1949), remains very valuable thirteen years after it was written.

While the discussion of politics is also devoted to very recent trends, it serves a more useful purpose. There is no possibility at present of treating any phase of the recent Soviet power struggle definitively; but these developments are so important that they must receive a major share of our attention. Consequently, brief surveys of the contemporary situation seem entirely justified. The section on the economy is also excellent. Leon D. Herman's article on taxes provides a lucid explanation not easily available elsewhere, while Joseph Berliner's 1954 discussion of *blat* (roughly "influence") is skilfully related to the present situation. The treatment of "society" is necessarily a very broad one, and the articles on this subject are somewhat uneven. Perhaps the most original is Robert A. Feldmesser's interesting examination of fragmentary evidence on the question of "Equality and Inequality under Khrushchev." Other observers, relying on somewhat different bodies of material, may disagree that "Khrushchev *is* seeking a classless society" but Professor Feldmesser makes a convincing case for the proposition that at least some of the differences between "intelligentsia" and "proletariat" are being reduced.

In my opinion much the best section is that devoted to "the literary scene." Articles by Victor Erlich, Harry Willets, Max Hayward, and George Gibian analyze the current situation of the Soviet writer; taken together they also provide an adequate discussion of earlier Soviet experience in literary control. Jürgen Rühle's two articles on the theater (unaccountably placed under "miscellanea" rather than "the literary scene," although political influences on the theater have been very much the same as those on writing) provide a comprehensive discussion of the position of this important art. The most striking contribution, however, is a series of poems smuggled from the Soviet Union and the commentary on them by an anonymous critic who is obviously extraordinarily well acquainted with intellectual circles in the Soviet Union. His contention that the common man in the U.S.S.R. is alienated from the intellectuals, while rarely voiced,

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has a great deal of plausibility. Whether this means that the intellectual fears a political upheaval which would release the workers from the controls exercised by the present regime is more debatable, but well worth pondering. Moreover—though our anonymous critic does not make this point—one can at least hypothesize that Khrushchev is fully aware of this popular hatred of the intellectual, if indeed he does not share it. Seen in this light the "equalizing" tendencies noted by Professor Feldmesser may be designed primarily as curbs on—or warnings to—an intellectual stratum which resents totalitarian control but is, unhappily, ineffectual in opposing it.

JOHN A. ARMSTRONG

UNIVERSITY OF WISCONSIN

Competition as a Dynamic Process. By JOHN MAURICE CLARK. Washington, The Brookings Institution, 1961.—xvii, 501 pp. $7.50.

Economists use the word "competition" in two different senses. Sometimes it refers to a structural situation of many firms competing in a market, all producing identical products. At other times it refers more broadly to the process of rivalry among business units in whatever form or intensity it may occur. Competition as a process may appear in any market situation other than pure monopoly; competition as a structural situation is much more narrowly defined. Professor Clark's volume provides a general description of competition as a process in the American economy. The approach is a theoretical one, but in the tradition of Alfred Marshall wherein theoretical concepts are cloaked in a rich tapestry of factual description which aims to make them more plausible to the reader. The book will prove useful to non-economists seeking such a general account of the competition process.

Furthermore, Clark's long experience affords certain valuable insights lacking in the existing literature. One example is his symmetrical treatment of the ease of entry to and of exit from an industry. Another is his argument that an industry provides the best overall performance in innovation when its member units are diverse in size and outlook. The chapters on basing-point pricing also merit attention.

The reader of this volume, however, must be given a few cautions. Among Professor Clark's many major contributions to the literature of economics, one of the best known is an article en-

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titled "Toward a Concept of Workable Competition," published in 1940. That article has done much to condition the thinking of economists and has probably populated more student reading lists than any other piece of journal literature. This volume is essentially a 500-page expansion of that 15-page article. The article is remembered for one general idea and one conspicuous example. The idea is that pure competition as a norm for industrial market structures may be less suitable than a standard of workable competition, which recognizes that pure competition is generally unattainable and that it makes a difference how closely we approach it in various dimensions. The example concerns the influence of product differentiation, suggesting that its presence might mitigate destructive price competition occurring under conditions such as those of the depressed 1930's. The idea of workable competition has received complete acceptance in the profession, and few would now urge the mechanical application of pure competition as a market norm. However, Professor Clark's favorable view of product differentiation and his stress on problems of destructive competition would not win full agreement from the rest of the profession.

Throughout the present volume runs the argument that product differentiation adds a new dimension to and broadens the scope of competition in the American economy. In a sense this is certainly true. However, it would be much better to treat product competition on a parallel basis with price competition. In the broad spectrum of markets where firms are too few to satisfy the requirements for either pure competition or Chamberlinian monopolistic competition, both price and product rivalry are often present. But the important question concerns the degree to which firms act as rivals in adjusting both their price and product and the desirability of the resulting pattern, rather than any choice between some differentiation and no differentiation at all.

In summing up, Clark asks (p. 465), "Has the study succeeded in the difficult task . . . of producing a framework for the study of competition which might assist toward more effective treatment of those factors of dynamic process that present such difficulties to theoretical analysis?" Unfortunately, the answer is no. The fundamental difficulty underlying the book's evident loose organization comes in the attempt to study the competitive *process* without systematic reference to the environmental conditions within which that process operates. This failure is all the more puzzling because Clark's Chapter 17 provides an excellent statement of just this need to study market processes in the light of the relevant conditioning factors. As a result, the reader who

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has absorbed Professor Clark's generalizations about competitive processes must make one of two choices. He can mentally tag these generalizations as being mere possibilities with regard to any particular industry or sector of the economy. Or he can accept the book's implicit claim to have weighed the relative importance of different market structures in the American economy and to have described the associated competitive process operating in the typical case. The former interpretation leaves the reader rather undernourished, but the latter involves the acceptance of a claim which the volume fails to justify.

RICHARD E. CAVES

UNIVERSITY OF CALIFORNIA

The Common Defense: Strategic Programs in National Politics. By SAMUEL P. HUNTINGTON. New York and London, Columbia University Press, 1961.—xviii, 500 pp. $8.75.

Professor Robert Bowie of Harvard, who formerly headed the State Department's policy planning staff, remarked a year ago that "we just don't know much about . . . the interrelations of military policy, arms control, technology, foreign affairs and foreign policy." In this reviewer's opinion Samuel Huntington's masterly study goes a long way to fill the gap.

Huntington's brilliant analysis is focused on one segment of military policy, strategic programs, that is, decisions on the overall size of the military effort, force levels and weapons. Huntington argues that military policy "can only be understood as the responses of the government to conflicting pressures from its foreign and domestic environments" (p. x). Basically the conflicts involved are not between civilians and men in uniform but "between civilian-defined external policy goals and civilian-defined internal policy goals" (p. 7).

The government has to balance "the Great Equation—how to equate needed military strength with maximum economic strength" (p. 197). Since 1945 the Congress has rarely prevented the Administration from going ahead with a strategic program which it deemed necessary. "The ceiling on the military effort was set not by Congress, not by public opinion, and, most certainly, not by the economy, but by the deliberate choice of the Administration" (p. 220). Huntington makes an extended analysis of public opinion polls to prove his point.

Congressional groups lobby with the executive to produce action they desire, using "three major techniques, representation,

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investigation, and authorization and appropriation" (p. 135). Thus strategic programs are "not the product of expert planners, who rationally determine the actions necessary to achieve desired goals. They are the result of controversy, negotiation and bargaining among officials and groups with different interests and perspectives" (p. 146). The detailed analysis of vertical and horizontal bargaining is illuminating and so are the discussions in Chapter VI of interservice and intraservice competition. Because of its combination of ground, sea and air elements relevant to a variety of functional purposes, "the Navy has been a satisfied service and a staunch defender of the *status quo* in interservice relationships" (p. 424).

In each phase of the cold war our policy-makers "thought they had located a 'plateau' where it would be possible to 'level off' military efforts and maintain a 'stable' policy" (p. 32). Each plateau, however, turned out to be a mirage, thanks to the development of new weapons.

Huntington contrasts the proposal for a 300 per cent increase in defense spending proposed in National Security Council paper 68 and the 25 per cent increase urged by the Gaither Committee.

> In 1949 and 1950 the new policies which were proposed had powerful support within the Administration; in 1957 and 1958 they did not . . . in 1950 Secretary Acheson strongly supported the NSC 68 recommendations. In 1957, however, Secretary Dulles dealt the *coup de grâce* to the more extensive Gaither recommendations . . . Sputnik simply did not furnish as much of an opportunity and a compulsion to change existing policies as did Korea (pp. 111–113).

In the period 1945–1960 "changes in strategy tended to lag behind changes in foreign policy, and changes in structure behind those in strategy" (p. 22). Shifts in American policy "often came two or three years after changes in British military policy" (p. 118). The importance of reserves steadily declined as the concept of deterrence became more and more important. "In the old strategy, deterrence was impossible in peace; in the new strategy, mobilization was impossible in war . . . In a mobilization strategy, military forces which were never used were a sign of poor planning; in a deterrent strategy, they were a sign of success . . ." (pp. 26–27).

For the diplomatic historian as well as for the historian of new weapons, Chapter V, "Innovation of Strategic Programs," is perhaps the most interesting in the volume. It makes important contributions both to the story of the development of continental defense and of the theory of limited war. "All the services were

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hesitant in pushing continental defense and limited war . . . which were alien to traditional service doctrines" (p. 288). "In 1953 emphasis on tactical nuclear weapons had been part of the reaction against the concept of limited war. By 1957 it had become the means by which the United States proposed to implement that concept in any conflict of consequence" (p. 106). "In 1952 and 1953 the physical scientists backing continental defense eventually secured Administration endorsement of their principal proposals. Reflecting perhaps the difference in status, access, and influence of the two professions, the social scientists supporting limited war programs did not meet with comparable success" (p. 348).

For a long time both civil defense and arms limitation were "outsiders" in the Pentagon. Both "were originally based on the belief that security could not be permanently assured by the accumulation of armaments" (p. 354). "In the mid-1950's, however, changes in military technology increased their compatibility with deterrence" (p. 364).

> Security (says Huntington) was the Cold War equivalent of total victory. A minimum degree of national security became the indispensable prerequisite to the promotion of the goals of human freedom and welfare. It was thus an instrumental goal, but within its limits it was viewed as an absolute one. Up to some point its claims were overriding. Beyond that point they were unjustifiable . . . The key problem was the ability of the political system to continue to innovate the strategic programs required for deterrence (pp. 428–429).

Where a book is filled with excellent fresh material, it may seem greedy to ask for more, but this reviewer would have welcomed an extended treatment of the matter of lead time. Our advantage over Germany in this respect in World War II made a great contribution to victory. It is questionable if we have a similar advantage over Soviet Russia today.

JAMES P. BAXTER, 3RD
COUNCIL ON FOREIGN RELATIONS

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BOOK NOTES

The Yearbook of the United Nations, 1960 (New York, Columbia University Press, in cooperation with the United Nations, 1961; xii, 827 pp., Index, $15.00), covers the events of the calendar year 1960 and the proceedings of the General Assembly in March and April 1961. The increasingly common practice of continuing the annual General Assembly session into another calendar year undoubtedly creates a serious problem for the compilers of this volume. While there is admittedly convenience for the user in having each volume tell the complete story of a General Assembly session, it is confusing to have to look to the 1960 volume, not that for 1961, to learn what happened in April or May of the later year. In a book of reference of this kind, consistency would seem to be a virtue. If the disadvantage of breaking the continuity of the General Assembly story is to be the decisive consideration (this reviewer does not agree that this should be the case), the logical course would be to have each *Yearbook* cover the year period from September to September.

Due primarily to the increase of membership, the Congo crisis, and the inclusion of the March and April Assembly proceedings, the 1960 *Yearbook* is some 167 pages larger than the 1959 volume. The staff has done an intelligent and skillful job in condensing great masses of material into concise balanced accounts which give the essence of United Nations activities and deserves warm praise for its achievement. Some unnecessary repetition, as between factual accounts and "documentary references," remains—for example, in the detailed listing of the often numerous sponsors of draft resolutions. On the whole, however, the process of economizing on space has been carried about as far as possible without detracting from the value of the *Yearbook*. It remains the indispensable book of reference for all interested in the United Nations.—LELAND M. GOODRICH, Columbia University.

Southeast Asia has again moved to the center stage of world politics. In no other region is the threat of Communist expansion more acute, more imminent. South Viet-Nam is already engulfed in bitter civil war fomented by the Communist Viet Cong. In Laos an uneasy cease fire has slowed but not stopped the seemingly inexorable spread of Communist Pathet Lao control throughout that unhappy country. All this has been duly reported in the press. In an effort to stay the onward thrust of

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Communist power, the Kennedy Administration has undertaken large-scale military intervention in South Viet-Nam, and may ultimately be driven to the same course in Laos. Yet the rapid deterioration of the Western position in these countries and elsewhere in the area has provoked remarkably little public concern. We are, indeed, close to major war in Southeast Asia, but the American people seem almost oblivious to what may be facing them. One of the principal reasons for this is simply that Southeast Asia is still a remote area of the globe, far removed from popular knowledge and understanding. Its problems have somehow not impressed themselves upon the American public, even though our most vital interests are deeply involved. Richard Butwell's excellent little book, *Southeast Asia Today—and Tomorrow* (New York, Frederick A. Praeger, Inc., 1961; x, 182 pp., $4.25 hardbound; $1.75 paperback), provides a great deal of information, compactly presented, about the politics of this region and about some of the complexities that confront American policy in attempting to cope with the Communist challenge to Southeast Asia. Mr. Butwell's volume, subtitled *A Political Analysis,* is in fact a primer of political development in the various countries of Southeast Asia since World War II rather than a profound or original analysis of the dynamics of internal Southeast Asian politics. Successive chapters deal briefly but penetratingly with such subjects as the colonial past and the coming of independence; first choices of governmental forms in post-independent Southeast Asia, and the continuing search for appropriate political systems; the role of political parties, interest groups, public opinion and the like in the political process; the purposes and programs to which the Southeast Asian governments have addressed themselves; the Communist challenge; and the foreign policies of the Southeast Asian countries. One emerges with a heightened understanding of the profound political, economic and social problems which baffle the newly independent countries of Southeast Asia. In most instances their best efforts have not been nearly good enough, and the future is full of foreboding. One also gets some realistic measure of the immense difficulties with which United States policy must deal in assisting these countries toward political stability and economic growth. In supplying these knowledgeable glimpses into Southeast Asian politics, Mr. Butwell has made a real contribution to understanding what, to Americans, is still an obscure portion of the world.—WILLIAM HENDERSON, New York City.

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American politics in the middle third of the nineteenth century will be illuminated anew for many scholars by *The Letters of Stephen A. Douglas* (Urbana, University of Illinois Press, 1961; xxxi, 558 pp., $10.00), edited by Robert W. Johannsen. This is the first time Douglas' letters have been brought together for publication. Editorial errors are few and relatively minor. Professor Johannsen is to be commended not only for his care but for his contribution in the form of notes, identifying individuals and explaining the backgrounds of situations. There is a succinct nine-page introduction. The great significance of the controversial "Little Giant" in national affairs, from his first election to Congress in 1843 until his untimely death in 1861, is illustrated by what he wrote to friend and foe. Douglas' importance as the Democratic party leader of Illinois is generally borne out. Readers, however, may be surprised and disappointed by the slim pickings for 1858—the year of his seven famous debates with Abraham Lincoln. The earliest letter in the book is dated 1833, when its author was twenty. This points up the paucity of primary materials regarding the childhood and adolescence of numerous prominent Americans in Douglas' and previous generations. (Henry Clay's first known communication was written when Clay was twenty-one; John C. Calhoun's at nineteen; Zachary Taylor's at twenty-three.) Johannsen, who is preparing a Douglas biography, is decidedly at home in the areas where Douglas moved and worked. The editor gives evidence of particularly sound judgment in merely noting the existence of sixty-nine routine Land Office letters and relegating mention of them to an appendix, instead of burdening his valuable pages with their full texts. Similarly, he has smoothly handled references to correspondence known to have been signed by Douglas but which could not be located. In sum, this is a superior scholarly performance—and a useful tool.—HOLMAN HAMILTON, University of Kentucky.

Professor Felix E. Oppenheim has written a courageous book: *Dimensions of Freedom: An Analysis* (New York, St. Martin's Press, 1961; 242 pp., $6.50). He has dared to undertake an analysis of the idea of freedom, but there is no idea in political and moral philosophy more important and also more difficult to analyze. "Freedom" is a coveted word, to which nearly all ideologies, in their struggles with each other, lay claim; while philosophers, with more scruples than ideologues and men of action, but with as much passion, have labored for centuries to understand the nature of freedom and to teach the world something

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about it. Thus, the idea of freedom has had an extensive and tortured career in the history of thought; and for a long time has also been the subject of fierce controversy in the domestic and foreign affairs of nations. As if these were not obstacles enough for the student, the range of the words "freedom" and "free" in ordinary language seems nearly limitless: they are applied to governments, societies, countries, as well as to men, states of being, acts, choices, and so on. Furthermore, concepts like rights, ability, opportunity, motive, power, must be analyzed if freedom itself is to be analyzed. He who would write about freedom faces an enormous task, and it must be said that Oppenheim has performed this task not only with courage but with a large measure of success. It would seem that two sorts of questions are the stuff of discourse about freedom: 1) Is (was) actor A (will actor A be) free to do act X? 2) Did actor A do act X freely? (Oppenheim is mostly interested in the first question.) By delineating the ways in which these two sorts of questions are to be answered, the sense of the idea of freedom will be uncovered, the concept of freedom correctly analyzed. Oppenheim proceeds negatively, assuming (and I think correctly) that, in the words of the late Professor John L. Austin, "Like 'real,' 'free' is only used to rule out the suggestion of some or all of its recognized antitheses." (These words come from Austin's invaluable essay, "A Plea for Excuses," which Oppenheim does not cite.) What then are the "antitheses" to the freedom of actor A? Oppenheim distinguishes carefully between certain kinds of control which actor B may have over actor A, and between certain kinds of "unfreedom" in which actor A may find himself in relation to actor B. Restraint, constraint, prevention, the threat of punishment are some of the major checks to being free to do certain acts, and to doing certain acts freely, and they receive illuminating treatment by Oppenheim. He continually stresses that freedom, or "social freedom," necessarily involves a relationship between two actors, be they individuals, groups, or governments. By and large, Oppenheim is in agreement with the analysis of freedom made by Herbert Spencer, and the laissez-faire tradition, even though his political sympathies are not at all similar to Spencer's and those of the laissez-faire tradition. In addition, Oppenheim contrasts his views on free acts to other views of freedom, including "positive freedom," and finds these other views either explicable in light of his own, or misleading and tendentious. There is also some discussion of the relation between freedom and other social goals, such as security and welfare. This is a fine book, and, despite the effort required to read it, deserves attention; what is more, it deserves respect.—GEORGE KATEB, Amherst College.

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IN MEMORIAM

William Duncan Strong

William Duncan Strong who died on January 29, 1962, was born in Portland, Oregon, on January 30th, 1899. He received his A.B. degree from the University of California in 1923, and the Ph.D. degree in Anthropology in 1926 from the same institution. His interest in anthropology stemmed from his undergraduate work with Peruvian archaeological materials under Professor Alfred Kroeber, the first Ph.D. in Anthropology from Columbia University. From California, Dr. Strong went to the Field Museum of Natural History, where he was Assistant Curator from 1926–1929. During 1927–1928 he accompanied the Rawson-MacMillan Subarctic Expedition of the Field Museum to Labrador. From 1929 to 1931, he was Professor of Anthropology at the University of Nebraska, where his pioneer work in Plains archaeology revolutionized the long held misconceptions of the Plains area. He left this position in 1931 to become Senior Anthropologist at the Bureau of American Ethnology, Smithsonian Institution. During this interval, he continued his researches in the Plains area and conducted expeditions to Spanish Honduras. He joined Columbia University in 1937 as Associate Professor, becoming a full Professor in 1942. He became Loubat Professor of American Archaeology the following year, the second man to hold this chair. His first opportunity to go to Peru came in 1940, under the auspices of Columbia's Social Science Research Council, realizing an ambition he had had for nearly twenty years. He made two subsequent expeditions to Peru, one in 1946 and the last one in 1952–53.

Professor Strong's scientific work was based primarily upon original field research. He excelled also as a synthesizer, and was unique in that he was at home both in ethnology and archaeology, two of the four branches of anthropology. Indeed, he preferred to be called an anthropologist, as of the old school. His contributions include works on the ethnology of Southern California, the social organization of the southwest American Indians, the ethnology and archaeology of northern Labrador, and the archaeology of the Great Plains, Spanish Honduras and Peru. While he loved the Plains, and was extremely fond of remembering his winter with the Naskapi Indians of Labrador, his heart

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really belonged to Peru, the area which had originally excited his imagination and started him on his career in anthropology. In addition to his scholarly activities and proven ability to direct graduate research, he showed himself to be a thoroughly capable administrator.

His interests outside the University were diverse. He was a keen naturalist from his boyhood days. He was an avid reader of many types of literature, especially poetry. The author of several technical books, and a long list of contributions to anthropological science, Professor Strong was honored in 1954 by the award of a Viking Fund Medal, presented by the Wenner-Gren Foundation for Anthropological Research. He was cited for "the stimulation he gave his projects, for the breadth of his attainments and for the outstanding students he has developed." He was past president of the American Ethnological Society and the Society for American Archaeology, Chairman of the Institute for Andean Research, Research Associate of the American Museum of Natural History, and Fellow of the University Museum in Philadelphia. During the war, he served on leave of absence from Columbia as Director of the Ethnogeographic Board, which provided a strategic service to the war effort. He will long be remembered in his chosen field.

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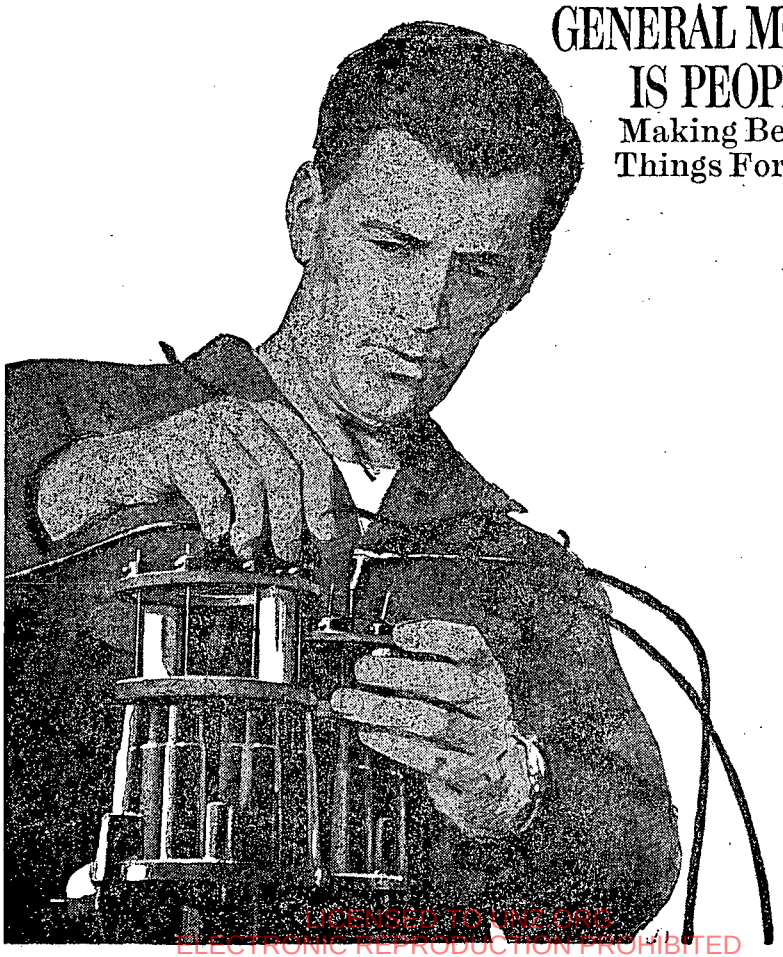

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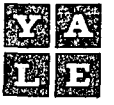
Yale University Press  New Haven and London

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